

**Pleasant Grove City Council Minutes**  
**April 7, 2009**  
**7:00 p.m.**

**PRESENT:**

**Mayor:**

Michael W. Daniels

**Council Members:**

Mark K. Atwood

Bruce Call

Lee Jensen

Jeffrey D. Wilson

**Excused:**

Cindy Boyd, City Council Member

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

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

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

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

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**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by audience member Landon Judd.

**3. OPENING REMARKS**

Opening Remarks were given by Libby Flegal.

#### **4. APPROVAL OF MEETING'S AGENDA**

**ACTION:** Council Member Wilson moved to approve the agenda. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, 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. Work Session Minutes for March 10, 1009
- b. City Council Minutes for March 17, 2009
- c. To consider the appointment of Steve Shrader as a regular member of the Planning Commission.
- d. To consider Final Payment Request for 2008 Sewer Rehabilitation Project and Change Order No. 1.
- e. To consider approval of paid vouchers (March 24, 2009)

Mayor Daniels explained that there is a vacancy on the Planning Commission as Derek Wade had resigned. The Mayor acknowledged Steve Shrader who has served as an alternate member of the Planning Commission for the past year and will now become one of its regular members. The Mayor then asked for a motion on the consent agenda

**ACTION:** Council Member Jensen moved to approve the consent items. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, 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.

Library Board Trustee, Harmony Packer came forward and stated that she was here on behalf of Library Chairperson Carla Erb to extend thanks to Mayor Daniels and Director Clay for taking time out their schedules to meet with her and April Harrison. Ms. Packer also reported that the recent fund raiser was successful; they held a book festival/signing night at the library where several authors signed and sold their books and the proceeds were donated to the library. They also held successful a Scholastic Book Fair. Ms. Packer mentioned that the library is also planning a larger scale fund raiser in the fall that will feature a prominent author of local interest. Mayor Daniels inquired about the discussion in the meeting with Chairperson Erb and April Harrison, of potential monies from the federal government for a library facility and was that matter discussed at the library's board meeting. Ms. Packer stated that she was not in attendance at the last board meeting but that she would take the message back to the board and have them update Mayor Daniels on what was discussed.

Richard Huntsman, 485 S Pleasant Dr. came forward next and asked about the plan for this year's City clean up days. Director Walker stated that they will be handled the same as last year with the dumpsters at the rodeo grounds, starting on April 18<sup>th</sup> through the 26<sup>th</sup>. Mayor Daniels

stated that years ago the City used to have the dumpsters located around town but that the practical thing for right now is to have them located in an area where the debris can be easily removed.

Mayor Daniels asked if there was anyone else who had an item to discuss, no one else came forward. The Mayor then closed the meeting to the public.

## **7. NEIGHBORHOOD ADVISORY BOARD REPORT**

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

## **8. BUSINESS:**

### **A. TO CONSIDER A PROCLAMATION DECLARING SATURDAY, APRIL 25, 2009 AS "ARBOR DAY"**

Mayor Daniels read the Proclamation and asked if there were any questions or discussion. Director Giles stated that they have fifty four trees to be planted.

**ACTION:** Council Member Call moved to accept the Arbor Day Proclamation as read by the Mayor. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Call, Jensen and Wilson voting "Aye."

### **B. TO CONSIDER A RESOLUTION AMENDING THE INTERLOCAL AGREEMENT WITH LINDON CITY REGARDING THE COMMON PLANNING AND TAXING DISTRICT**

Attorney Petersen stated that this is a Resolution authorizing the Mayor to sign the amended interlocal agreement between Lindon City and Pleasant Grove City with respect to the common planning, common revenue sharing district. Attorney Petersen stated that the original agreement was entered into in 2005 which provided for cooperative efforts between the two cities with regard to planning and revenue sharing in what we then called The Gateway and now call The Grove. Attorney Petersen explained that during the interim there were some issues that arose which needed clarification, specifically the revenue sharing formula, the makeup of the committee for supervising the common planning area and the termination paragraph was changed. Council Member Jensen inquired about the language in the termination paragraph regarding the phrase about having "at least a two year time period" stating that it sounds like it could take more than two years to terminate the agreement. Attorney Petersen stated that the intent is to protect the non-terminating city from the revenue impact of terminating this agreement, allowing time for some sort of financial analysis to be done. Director Clay added that this could be negotiated. Council Member Call inquired as to whether Lindon City's Council was getting this same information. Attorney Petersen stated yes, their City Council approved the redline, strikeout version and this copy tonight is the final version of the amended agreement.

Mayor Daniels asked if there were any other questions or comments, there were none.

**ACTION:** Council Member Call moved to approve Resolution No. 2009-07, a Resolution authorizing the Mayor to sign the amended Interlocal Cooperative Agreement between Pleasant

Grove City and Lindon City regarding common planning and revenue sharing with The Gateway Development District. Council Member Jensen seconded and the motion passed with Council Members Atwood, Call, Jensen and Wilson voting “Aye.”

**C. TO CONSIDER A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY KNOWN AS THE 700 SOUTH STREET ANNEXATION, UNDER THE PROVISIONS OF SECTIONS 10-2-403 AND 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED AND PROVIDING AN EFFECTIVE DATE**

Administrator Mills stated that this portion is in the Mayfield development and when all of that property came in and was annexed there was a portion left out which happened to be the road. The County has requested that we go ahead and annex the road (approximately four hundred and fifty one feet) so this petition is requesting that we annex the property into the City. Attorney Petersen stated that we advertise this for sixty days and then we will hold a public hearing with the Ordinance that actually finalizes the annexation process.

Mayor Daniels asked if there were any other questions or comments, there were none.

**ACTION:** Council Member Jensen moved to approve Resolution No. 2009-08, a Resolution accepting a petition of certain real property known as the 700 South annexation, under the provisions of Sections 10-2-403 and 10-2-405, Utah Code annotated, 1953, as amended; and providing for an effective date. Council Member Wilson seconded and the motion passed with Council Members Atwood, Call, Jensen and Wilson voting “Aye.”

**D. PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND TEXT IN TITLE 10 CHAPTER 2/ ADMINISTRATION AND PROCEDURES, SPECIFICALLY SECTION 2 PROVIDING LANGUAGE FOR THE ADMINISTRATION OF PARCELS HAVING MORE THAN ONE ZONE; AND AMENDING SECTION 9 CLARIFYING COUNCIL INVOLVEMENT WITH SITE PLAN APPROVALS PROVIDING REFERENCE TO THE CORRECT SECTION OF THE CODE FOR SPECIFIC DETAILS; AND AMENDING SECTION 12 TO BEGIN REMOVING THE NUMBERS ATTACHED TO LAND USE CLASSIFICATIONS; AND ALSO AMENDING SECTION 13 TO CHANGE THE TITLE TO “ADMINISTRATIVE (MINOR) APPROVALS,” INCLUDING RE-WORDING THE TEXT IN THAT SECTION, SETTING FORTH THE CRITERIA FOR APPROVING A MINOR SITE PLAN AT THE REQUEST OF PLEASANT GROVE CITY STAFF (CITY WIDE IMPACT)**

Community Development Director Ken Young explained that this is another of the efforts to clean up the code and to bring things into alignment with current procedures, basically a housekeeping effort. He then briefly reviewed the proposed changes; Section 2: When a parcel has more than one zone, the dominant zone shall apply if both zones comply with the General Plan Land Use map. If the dominant zone does not comply the City shall initiate a rezone. The next is in Section 9: Adds reference to the City Council’s role in site plan reviews in the Grove Zone, adds reference to the section for Site Plan requirements. Next is in Section 12: Changes the reference of use classifications to alphabetical instead of numerical order. Director Young stated

that they are eliminating using the land use code numbers and simplifying it by listing them alphabetically. Council Member Call asked if the State was who established the code numbers. Director Young replied no. Mayor Daniels stated that he was under the impression that the land use codes were issued by the State and that we are not at liberty to interpret them. Director Young stated that no it is not a State established code, the Sterling Codifiers do not always use language code numbers, they do it alphabetically. Council Member Call asked if there is a standard language. Director Young replied yes as far as general categories go but there are some cities that are more general in nature. Director Young stated that the language code system and all of its categories is a little too lengthy and cumbersome but that they are also trying not to be too simplified so their effort is to combine categories. Council Member Atwood stated that it was his understanding that these were State codes and that the City could add to it. Attorney Petersen clarified that what Director Young is saying is the numbered land use code is not in the State statute, the State zoning statues that allow the City to zone areas and decide what land use goes into them, we are compliant with them. Attorney Petersen stated that the State does not get into land use codes, the State grants us the power to zone our City and the State statute says that in some instances you can be more restrictive and this does not have to do with the land use code numbers it has to do with the standards that you decide to enact. Director Young stated that the only thing that this changes is their system of going from numerical to alphabetical. The final change proposed is Section 13: Changing the section title, and adding descriptions and administrative approval of a Minor Site Plan proposal. Patterned after procedures for the Grove Zone. Director Young explained that this allows administrative approval for minor adjustments to site plans. Council Member Atwood expressed concern on what they meant by "minor." Director Young reviewed the changed verbiage in the proposed ordinance; Minor Site Plan proposals, which do not significantly deviate from the current land use and zoning regulations, may be exempt from review by the Planning Commission or City Council, but must be approved by the Community Development Director or designee as long as the following criteria are met:

- 1.) Minor relocation of building pads or dwelling units due to conditions such as unanticipated topography, road alignment or easements; provided, that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design and other similar components of the development plans, and provided ordinance requirements are still met.
- 2.) An increase or decrease in a proposed setback, provided ordinance requirements are still met.
- 3.) A minor modification to an open space design, but no elimination or significant reduction.
- 4.) A minor change to landscape design/plant material changes.
- 5.) A minor change to the exterior architecture design and materials provided there is no violation of the ordinance. (See Section 10-15-28).
- 6.) See Chapter 14 Section 7 of this title for regulations concerning the Grove zoning district.

Director Young stated that this allows a bit more flexibility for the individuals who have minor situations, instead of having to fill out another application, pay the three hundred dollar fee, wait a month for it to come up before City Council for approval on something that we as professionals in the Community Development department could do. Council Member Atwood then asked if there is a set number of how many minor changes they could make. Director Young stated that no limit was being set.

Mayor Daniels asked if there were any other discussion or questions, there were none. The Mayor then opened up the meeting for public discussion. Nothing was brought up for discussion. Mayor Daniels then closed the meeting to the public.

**ACTION:** Council Member Jensen moved to approve Ordinance No. 2009-9, an Ordinance of Pleasant Grove City, Utah County, Utah; Amending text in Title 10 Chapter 2/Section 2

“Amendments,” providing language for administration of parcels having more than one zone; amending Title 10 Chapter 2/Section 9 “project Plan Required,” clarifying Council involvement with such plans and providing reference to the correct section of the code for specific details; amending Title 10 Chapter 2/Section 12 “Land Use Code,” to begin removing the numbers attached to land use classifications; and also amending Title 10 Chapter 2/Section 13 “Exceptions,” to change the title to Administrative (Minor) Approvals, including the addition of text clarifying the criteria for approving a minor site plan, Pleasant Grove City staff (applicant). A public hearing was held. Council Member Wilson seconded and the motion passed with Council Members Atwood, Call, Jensen and Wilson voting “Aye.”

#### **E. DISCUSSION REGARDING LEGALIZING ACCESSORY APARTMENTS IN PLEASANT GROVE**

Mayor Daniels explained that the City Council has solicited input from the public in regards to permitting accessory apartments and what their concerns would be. There was also a public hearing last month at the Pleasant Grove Jr. High School in which a couple of hundred people turned out and the Council listened to both their pros and cons to the concept. The Council also had further discussion and summarizing what was discussed, the Council felt that if they were to proceed forward and allow accessory apartments, they wanted input as to under what conditions they would do so. The Mayor stated that tonight we are here to formalize that.

Council Member Call asked if we would be taking any action tonight. Attorney Petersen pointed out that what we are looking for is some direction to staff. Director Young stated that it would be helpful if Council would give some direction on how they would want staff to proceed. Mayor Daniels then stated as far as the direction; first, do we want to proceed forward? The intent of the action would be “yes,” proceed forward, therefore let us take the time of staff to go ahead and pursue some written ordinance that we can work with and secondly, what is that direction to staff?

Council Member Wilson remarked that he has heard enough from the public and the discussions with Council he stated that he would like the staff to start looking into this and put something together that would allow accessory apartments. Council Member Wilson added that this should be looked at and handled as being a business situation, what we would and would not allow.

Council Member Call stated the he felt we do not need to move forward, but to keep things the way they are.

Council Member Atwood agreed with Council Member Call stating that he doesn’t feel that we should look into it further.

Council Member Jensen stated that he was in agreement with Council Member Wilson, stating that he feels the Council has an obligation to move forward and direct staff to draft an ordinance legalizing accessory apartments.

Mayor Daniels replied that his understanding here is that the vote from Council is tied. The Mayor then stated in moving forward, the public has spoken and there have been numerous statistical scholars from the community that have stepped forward and said that we have enough input to make a statistically significant sample and now we are going to give direction to staff.

The Mayor asked for two members of the City Council to be part of the discussion in helping to draft an ordinance. Mayor Daniels then asked each Council member if they would be willing to serve on this committee.

Council Member Call stated that he did not want to be involved in drafting this ordinance and then turn around and vote against it.

Council Member Atwood said that he did not want to be on this committee stating that he does not think that there is any way that we can come up with an ordinance that we can enforce. He stated that there are safety and health issues that need to be addressed and enforced.

Council Member Jensen stated that he would be more than happy to fulfill his responsibility as a City Council member and help draft this ordinance.

Council Member Wilson stated that he would be willing to be on this committee and added that he would like to see the Chief of Police and the Fire Marshall included as well, making sure that someone on the committee represents the safety issues involved.

Mayor Daniels stated that the Council is now giving direction to Director Young to go ahead and start work on drafting an ordinance. Council Members Jensen and Wilson representing the Council and the Mayor asked Administrator Mills to assign from staff, whomever he feels would be appropriate to serve on this committee. The Mayor stated that the objective is to come up with an ordinance that we think we can enforce and that meets the best needs of the citizens of the City of Pleasant Grove.

Council Member Jensen added that in being specific, we need to have a definition of accessory apartments and address the zoning, licensing and enforcement, stating that he would vote against the ordinance if it does not allow for enforcement.

Mayor Daniels then clarified the assignment stating that the direction would be to make this ordinance enforceable and this not just being in the best interest of the citizens and the City but in their health, safety and welfare as well. The Mayor said that there is no set time limit on this, that it should be worked on until they are able to come back with something that is passable.

## **9. STAFF BUSINESS**

- Director Giles stated that they were informed that Center Stage has received a grant from the Ashton Foundation in the amount of three thousand four hundred dollars and they will be using the money to purchase an electronic piano.
- Police Chief Paul stated that they are making efforts to strongly encourage citizens to take a greater involvement of what is going on in their neighborhoods because of the recent burglaries and thefts that have been occurring.
- Attorney Petersen stated that she received an email from Ed White stating that he had received the necessary documentation from the Tenth Circuit Court regarding the Ten Commandments monument and he will be filing a motion to dismiss in the Federal District Court.

- Director Clay stated that the Directors will be having the budget retreat this Thursday to put together the budget for fiscal year 2010.
- Administrator Mills mentioned that the Easter egg hunt that is sponsored by the Eagles is this Saturday at Discovery Park and that there is a donation box at the City Hall front counter for those who want to donate.

Administrator Mills also encouraged all of the City employees and citizens to participate in the Arbor Day event at Manila Creek Park on April 25<sup>th</sup>. Any assistance in planting the fifty four trees would be appreciated in helping make this event successful and make this a real asset to the area.

## **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Jensen mentioned that on the corner of Pleasant Grove Blvd and 2000 West when it rains that section of road gets extremely flooded and is there any way to get that water off the surface. Administrator Mills stated that when the storm drainage system gets finished in that area it will alleviate that problem.
- Council Member Call stated that he will not be attending the City Council meeting on April 21st.
- Mayor Daniels stated that he and several Council Members will not be available next week because of the Utah League of Cities and Towns Conference so the Work Session meeting scheduled for April 14<sup>th</sup> will be cancelled. The Mayor stated that they will still receive the Work Session packets. Attorney Petersen encouraged the Council members to review the information ahead of time to help streamline the next meeting.
- Council Member Call commented favorably on the improvements and preparation in using the Work Sessions to be prepared on coming into Council meetings.
- Mayor Daniels stated that they have finished reviewing the Policy and Procedures Manual and that Administrator Mills, Director Clay and Attorney Petersen are reviewing the formatting and making sure that it is consistent and that this manual will be available for Councils review before the annual budget meeting on May 16<sup>th</sup>. The Mayor said that there are three significant changes; 1.) The sexual harassment section. 2.) The resolution about elected officials serving both on the Council and as a member of staff. 3.) The sick leave policy. Council Member Jensen asked if there will be separate discussion on each of these changes. Mayor Daniels stated that we will discuss each and any of the changes and anything else in the manual that you care to discuss. The Mayor stated that there are a lot of changes in the grammar and the formatting and that they will also be discussing the salary survey.

## **11. SIGNING OF PLATS**

No plats were signed.

## **12. REVIEW CALENDAR**

Mayor Daniels mentioned the Utah League of Cities and Towns Conference being held next week April 15 – 17. The City Clean Up days beginning on April 18 – 26 and Arbor Day on April 25<sup>th</sup>.

## **13. APPROVE PURCHASE ORDERS**

Mayor Daniels asked if the Council had reviewed the purchase orders. Council member Jensen asked what vehicle they were approving the funds for. Council Member Atwood stated that is was for the dump truck. The Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the purchase orders for April 7, 2009. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Call, Jensen and Wilson voting “Aye.”

Mayor Daniels recused himself (at 7:45 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 explained that we are faced with losing the City Administrator to retirement at the end of this year and Mayor Daniels has expressed an interest in applying for that position so consequentially he cannot be involved in any discussion that go on regarding it.

Mayor Pro Tem Call stated that he has met with Attorney Petersen and discussed how to progress and plan for selecting candidates. He also met with Director Clay and discussed the financial concerns being that this is a tough budget year. There was discussion of whether or not to hire a professional firm to pre-screen the applicants and the cost to do that could be very significant.

Director Clay stated that in bringing in an outside firm that they would be well qualified but his concern is that they are not acquainted with our City and we, meaning the City Council and certain City employees are the ones who are really qualified to know what the City needs and to do the screening on the applicants. Director Clay pointed out that this is especially a concern in that it may cost a significant amount of money and this a tight budget year. He stated that he feels that we will get a better look at what we want as a City by doing the screening ourselves.

Council Member Wilson stated that he is in agreement with Director Clay.

Council Member Jensen expressed concern about the cost involved in this process and that if there are a large number of applicants that there should be some mechanism to pare that down to only the individuals who are truly qualified. He also stated that because one of the candidates is the Mayor, he feels that it potentially puts undue concern about having individuals who are currently working with the Mayor to be the ones who say who gets chosen as a candidate before it gets to the Council.

Mayor Pro Tem Call asked if we had been given any quotes as to the amount it would take to hire an outside firm. Attorney Petersen stated that we have had one quote in the amount of eighteen thousand dollars from an individual outside of the state that does this type of work nationally. Attorney Petersen mentioned that Administrator Mills has suggested that we might be able to get this done cheaper or at no cost if we went through the Marriott School of Business or the University of Utah.

Administrator Mills stated that one of the problems you would have with the outside groups is that their interest is also because they are recruiters. He stated that he does know that the

University of Utah, BYU and Southern Utah State have all expressed interest at the City Managers Association level to help and come in and do the screening process. Administrator Mills also said that on the State level that they would be able to assign people to come in and help pare down the number of applicants. He stated that there has been a lot of interest expressed in regards to his position opening up.

Council Member Jensen wanted to clarify that he was not discouraging any staff members from participating in this process stating that his concern is with transparency and bringing it in house the more transparent and open the process is the better.

Council Member Atwood stated that he agrees with that statement and that he thinks if groups like BYU, etc. are willing to help us out than that is great.

Attorney Petersen stated that she would follow up with the groups mentioned. Administrator Mills said that he will be meeting with all three Universities next week.

Mayor Pro Tem Call asked Administrator Mills to follow up on asking the Universities for assistance. He stated that we are looking at the same basic calendar in regards to the timing of posting the job and the time to pare things down which should occur in early fall, paring the number of candidates down to a comfortable level and at that time the new Mayor elect will have a say in the process. It would be around mid November when the candidate would actually be hired. Council Member Jensen added that this could also involve new City Council members as well.

Council Member Atwood asked Administrator Mills what date he was actually retiring. Administrator Mills replied that his last day would be around the 3<sup>rd</sup> of January. Council Member Atwood asked if the budget was good for having the new candidate being hired in November. Director Clay said that yes that the budget does allow for that.

Mayor Pro Tem Call then asked Director Clay what date he was retiring. Director Clay replied that it would be the same January 3<sup>rd</sup>.

Mayor Pro Tem Call mentioned that in the last discussion on this, the new incoming City Administrator would want to have input on the new Finance Directors hiring. Director Clay stated that they would want to start the process to replace his position after the new City Administrator has been here at least two or three weeks. Director Clay stated that when he started he came in without any overlap and that he was glad that it happened that way and believes that they should be ready to hire within a week of his retiring.

Mayor Pro Tem Call stated that we should do the prep work and be prepared because that is also when we are heading into the holiday season and that may be a hard time to get this accomplished. Administrator Mills stated that he already knows of four individuals with financial background that have already contacted him about the Finance Director position.

Council Member Jensen asked if we were going to come up with the criteria on our own or will we use existing criteria. Attorney Peterson stated that there are job descriptions in our local ordinances for both positions that should be looked at or add to them or emphasize something different from your own criteria on what you would like to see as qualifications. Council Member Jensen then stated that there must be other similar descriptions from other cities and could the staff put those together for us.

Mayor Pro Tem Call asked Attorney Petersen if she would look into getting that information for Council to review. He then asked if there were any other questions or any other business to discuss. There was none, Mayor Pro Tem Call then asked for a motion to adjourn.

#### **14. ADJOURN**

**ACTION:** At 8:05 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Jensen and Wilson voting “Aye.”

This certifies that the City Council  
Minutes of April 7, 2009 are a true,  
Full and correct copy as approved by  
The City Council on April 21, 2009

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Colleen A. Mulvey, Deputy Recorder