



Pleasant Grove City Council Minutes
June 1, 2010
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee Jensen

Kim Robinson

Jeff Wilson

Excused:

Tom Paul, Police Chief

Colleen A. Mulvey, Deputy Recorder

City Recorder:

Kathy T. Kresser

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

Richard Bradford, Economic Director

Sean Allen, City Planner

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Ken Young, Comm. Dev. Director

Deon Giles, Leisure Services Director

Libby Flegal, NAB 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 Call called roll for the Council and noted that Council Members Boyd, Danklef, Jensen, Robinson and Wilson were present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Director Lynn Walker.

3. OPENING REMARKS

Opening Remarks were given by Treasurer Karen Bezzant.

4. APPROVAL OF MEETING'S AGENDA

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

5. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion)
- a. Session City Council and Work Minutes
There are no minutes to be approved at this time
 - b. To consider Payment No. Two to Johnston & Phillips Inc. for the Pressure Irrigation Grove Creek Filter Station and 16 inch pipeline Schedule – 8
 - c. To consider approval of paid vouchers (May 25, 2010)

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

6. OPEN SESSION

The Mayor opened the meeting to the public for comment. No one came forward for the open session. He then closed the open session.

7. BUSINESS:

- a. MISS STRAWBERRY DAYS ROYALTY PRESENTATION

Mayor Call suggested that this item be moved to the end of the business items which will allow time for the Royalty to come to the meeting. The Council agreed.

- b. PUBLIC HEARING TO CONSIDER THE APPROVAL AND ADOPTION OF THE CITY'S FISCAL YEAR 2010/2011 BUDGET, INCLUDING THE ALLOCATION OF REVENUE FROM WATER, SEWER AND OTHER ENTERPRISE FUNDS TO THE GENERAL FUND. THE PLEASANT GROVE REDEVELOPMENT AGENCY BUDGET IS INCLUDED IN THE FINAL BUDGET. (CITY WIDE IMPACT)

City Administrator Darrington said that what you have before you is the General Fund Budget that we have been working through for the last month or so and as of the work session last week there hasn't been any changes to the budget, so the numbers shown reflect the discussions that we have had over the past three or four weeks. He then guided the Council to the back page of the budget which shows where the City is on the deficit except there has been ten thousand dollars taken out because of the last discussion that was held. He said that the City is required by law to have a public hearing on the budget and get public input, which is what we are having tonight, the public hearing. The final budget approval will be on the June 22nd agenda.

Mayor Call then opened the meeting to the public for comment on the 2010/2011 budget. Vern Moulton, freelance writer for the Daily Herald, was wondering if there were any significant cuts in the budget from 2010 to 2011. Finance Director Lundell responded that there has been cuts made we have put a soft freeze on hiring, that means that if someone has left the City for

other employment or retirement, the City has not replaced that position. Mr. Moulton asked what those positions are. Director Lundell said that the one coming up is the code enforcement position; we are going to combine this position with building inspections and the police. City Administrator Darrington said that most of the significant cuts were done operationally on last year's budget to the tune of fifteen percent of the budget. He said that he and Director Lundell aren't familiar enough with last year's budget to give an account where items were cut. In essence a lot of what we have is just a carryover from what we had from last year's budget. Mr. Moulton then asked what the other position is. Director Lundell replied that it is a position in the public safety that has not been filled. Mayor Call interjected that the City can give Mr. Moulton a copy of the budget if he would like. Mr. Moulton responded that he would like a copy.

Mr. Moulton asked if there were any new items on the budget. City Administrator Darrington said that recycling has been added into the budget which is a new revenue and expense item. Mr. Moulton asked if cutting back is because of the economy. Mayor Call said that these questions will take some explanation and suggested that Mr. Moulton stay for a few minutes after the meeting then he can get a statement about the budget from City Administrator Darrington, Director Lundell and himself. Mr. Moulton said that he would be glad to do that.

Herb Karlson asked if the budget deficit was still over seven hundred thousand dollars. City Administrator Darrington replied that it has been reduced to four thousand eighty eight dollars.

Mayor Call then asked if there were any other comments from the public. There weren't any, he then closed the meeting to the public and asked the Council for discussion of the budget.

Council Member Jensen asked what the effect would be should the Council not pass the budget tonight. City Administrator Darrington replied that we are not passing the budget tonight we are just having the public hearing for it. Council Member Jensen then asked what the effect would be if the budget wasn't adopted on the date needed. Attorney Petersen responded that it is a State law that the budget be adopted by June 22nd, you have to adopt something that can be amended later but we have to adopt something.

Council Member Jensen asked if both Pleasant Grove and Lindon participate in the insurance benefits for Judge Bullock. Attorney Petersen replied that we just pay on his retirement.

Council Member Danklef asked why we are not including anything in the budget for the cost of the relocation of the utilities along the Murdock Canal enclosure. City Administrator Darrington replied that all of that comes from the Enterprise Fund and we can't do anything with that until the rate study that is being done is turned in and we see where we are with the utility rates. When that information comes in and we see where our rates are compared to others then we will work with the Enterprise Funds to see where the money is then we will be able to make a budget adjustment as to what we will need. City Administrator Darrington went on to explain how the Enterprise Fund functions. He then said that if there are questions about the budget the Council should get with him or Director Lundell and they will help them understand it.

Council Member Robinson asked when the utility rate study will be completed. Director Lundell replied that there has been a fair amount of work already; some of the delay has to do with our billing software and making it fit with what we already have. He said that after the last meeting

with Lewis, Young, Robertson and Burningham he thinks the study will be completed by the end of August.

Council Member Jensen said that he wanted a clarification on a definition in the budget handout. When you total up each department the total says Mayor and Council, why are you using that terminology? Director Lundell responded that that used to be the general government department and we are trying to get expenses related to the area that they should come out of, and so the expenses that are being showed are just the Mayor and Council expenses. Council Member Boyd said that all the totals show that. Director Lundell replied that that is just a mistake and he will fix that.

Council Member Jensen wanted to know where he could find where the short fall is coming out of, what page do I look at. Director Lundell said that that should be in the Fund Balance section. It shows that there is an over-age of about three hundred fifty thousand dollars and when we take out the two point four million dollars which comes out of our eighteen percent that the State allows us to have is the maximum that we should have in our General Fund reserve. We intend on using around five hundred sixty thousand dollars this year which will leave eight hundred seventeen thousand dollars in excess General Fund balance which we can either use in next year's budget or transfer into Capital Projects. So the amount left, the four hundred eighty eight thousand dollars, will be used in next year's budget and the remaining three hundred twenty eight thousand dollars will be transferred into Capital Projects. Council Member Jensen questioned if the document before them is what is going to be used for the final document or will there be another revision for the June meeting. Director Lundell replied that if there aren't any more changes then he will take this document and bind it for final budget approval. He said that he would have this one bound but he wasn't sure if there would be changes to it.

City Administrator Darrington added that he received our sales tax numbers this morning and for the first time in fifteen or sixteen months there has been an increase from the previous year's month, which is good news. We are not changing any budget projections on one month's revenue but it is encouraging to see that number increase.

Council Member Danklef asked a procedural question, if we are still not comfortable with the amount of the budget, where and when do we discuss this? Mayor Call said that we could take some time tonight because it is on the agenda or we could call a special meeting to discuss it. Council Member Danklef said that he is okay with taking some of the money out of the General Fund to pay for the deficit but he feels like we have some responsibility to the citizens to make more cuts. Mayor Call asked how much money and where he would like to make those cuts. Council Member Danklef replied that he would like to cut another hundred thousand dollars. He then said that he felt that the Christmas bonus would be one place that could be cut. Mayor Call said that before we do anything that would affect the employees he felt that they should do the right thing and eliminate the health benefits for the Council. Council Member Robinson agreed with the Mayor.

Council Member Danklef then said that he would also like to see the employees share the cost of the nine percent increase of the insurance, and another one would be scaling back on the Christmas party. In the Mayor and Council budget there is ten thousand dollars for travel and training that could be cut or reduced. City Administrator Darrington interjected that that has been

reduced already to two thousand five hundred dollars. Council Member Danklef said that there is still three thousand dollars for cell phone use that could be eliminated or reduced.

Council Member Robinson asked if the budget will go through June of next year. City Administrator Darrington replied that it does. Council Member Robinson then said that the Christmas bonus is only going to affect December 2010. When we talk about people living on their budgets, January 2010 those families and employees who set their budgets in place and the Christmas bonus was part of it. Next March when we discuss the budget the employees should be aware that bonus may not be there. Mayor Call asked Council Member Danklef if he wanted to eliminate the Christmas bonus from this budget. Council Member Danklef said that he would like to scale it back, at the last discussion he suggested to scale it back to two hundred fifty dollars per employee. Mayor Call asked what Council Member Danklef would like to see done with the nine percent increase of the insurance. Council Member Danklef said that he would like to see the employees pay four percent of that increase. Going back to the Council health benefit, he said he gave his up because he didn't need it and was wondering if any of the others didn't need it. Mayor Call replied that that decision shouldn't be made on an individual basis; if we are making a decision it should be for everyone.

Mayor Call then summarized that if we take out the Christmas party at sixteen thousand dollars and have the employees pay four percent of the insurance increase at forty thousand dollars and reduce the Christmas bonus twenty five percent of what it is now, that would save another ninety thousand dollars which adds up to about one hundred fifty thousand dollars that the City would save.

Council Member Wilson expressed his feelings about the Christmas bonus being an important part of the salary for the employees. Council Member Boyd said that we are at the eleventh hour of the budget and she feels that at this point trying to make these kinds of decisions the employees are taking the biggest hit and they need to have forewarning or have input on the budget. The employees are our biggest asset and she would like them to work towards coming up solutions and ideas concerning the budget. We have time to work through these issues we do not need to make a quick decision about them.

Council Member Jensen said that he feels that we don't need to wait a year to do some of these things, that is the coward's way out. He then said he does like the idea of forming an employee committee with a representative from each department and give them an opportunity to help determine where the cuts can be made. This committee will be just an advisory committee with the Council making the final discussion. He would like to see this happen now and not wait until next year's budget.

Council Member Robinson agreed that this should be an advisory committee. She said she has spoke with directors they have already made cuts and they are managing on a slim budget as it is.

Mayor Call asked the Council if the general feel is that we move forward with the budget as is, then we get the employee advisory committee together and give them direction about what it is we are targeting and what it is that we want them to provide to us and give them a couple of months to work on this, is this correct. The Council agreed.

City Administrator Darrington commented that Staff has already started working on the committee, and it will not include Directors, but he feels that there needs to be somebody that will guide the discussion and provide the information whether it is him or someone else.

Council Member Jensen responded that the committee needs to understand that they can bring anything and everything to the Council as suggestions. City Administrator Darrington agreed and he thinks there will be good things that come out of this and it won't be just about employee benefits. The employees might see something that we are doing right now that could save money but haven't spoken up or felt comfortable in doing that, we then can weed some of those things out.

Mayor Call said that there won't be any action taken on this item and asked if there was any more discussion that needs to take place on the budget. There wasn't any, he then moved on to Item c.

c. **DISCUSSION AND POSSIBLE ACTION ON PROPOSED ACCESSORY POLICY**

Mayor Call turned the time over to Director Young for discussion. Director Young said that based on previous discussions and research about accessory apartments, Staff created a proposed policy to see how Council feels about it. He indicated that there are three components to the policy that he wanted to highlight which are enforcement, definitions and public awareness. As far as the enforcement is concerned there are six components that he wanted to review. He then reviewed the six components. (See exhibit "A".)

Council Member Jensen indicated that item one is unclear and needs more clarification as to what new accessory apartment means. Director Young replied that it means apartments that are not currently in existence, so if someone has an accessory apartment and has not rented it out but has decided to start renting it out then it becomes a new accessory apartment so the enforcement will then come into play immediately by shutting them down. City Administrator Darrington interjected that accessory apartments are not legal and we are not legalizing them so once we adopt this ordinance, if you have an accessory apartment and your neighbor reports to the City that you have an accessory apartment, you will go on the list and we will enforce the ordinance and shut down the apartment.

Council Member Jensen asked if on number five someone comes in with a new home and they sign that they do not and will not have an accessory apartment then down the road they do rent it out do we give them six months to stop renting or is there any other fine because they have signed the agreement. Director Young responded that we will treat it like any other code violation and through the regular process there may be another fine. Attorney Petersen indicated that currently we have not discussed or anticipated that there will be another fine added for violating an agreement, her thought as a prosecutor in having the agreement that it forestalls one of the defenses that are commonly raised "I didn't know I couldn't do it." The signed agreement is another piece of evidence in our file to show the citizen they signed an agreement so they knew about the ordinance and that it was illegal. She then said that if Council would like Staff to look at accessing a civil fine then we can look at that but for now we were just looking at it as an evidentiary tool. Mayor Call said let's not assign fines now but treat this as we have other issues then those that are habitual offenders if there is a need for a fine, then we will address it.

Attorney Petersen said that if we have to go to court and have to enforce through due prosecution the judge will order a cease and desist then they will get another fine through the court system.

Director Young then went on to discuss the definitions of an accessory apartment. Number one under the definitions is what is legal; these are the things in the RR and R1 zones. He then went through the list.

Council Member Jensen asked for clarification on Second Kitchen (4). Director Young said that a second kitchen may exist only as part of the primary structure and may not be installed in an accessory or outbuilding, so if you have a garage or some other building that is not attached to the home then you cannot put a kitchen in there. Attorney Petersen said that we have a definition of what a kitchen and it is a combination of things like a stove, cabinets and sink. So if you want to put a fridge in your garage or a sink in your tool shed that will be fine but you can't add everything together to make a kitchen, it is too easy to create a separate dwelling unit if you have a kitchen. Council Member Jensen then questioned that if he has a detached garage and above that garage he wants to put in a mother-in-law apartment which does not meet the definition you preclude that you can put in a kitchen. Attorney Petersen replied that if you want to put in a mother-in-law apartment then you would come in for a building permit and as part of that you would be allowed to put in a kitchen and bathroom facilities to create a mother-in-law apartment. What Staff is saying is if you are going to come in and say that all you want to do is put in another kitchen above that garage, that wouldn't be allowed. Director Young said that a mother-in-law apartment is not currently in the code this is something that we have added in there under the basic understanding of what a mother-in-law apartment is, but we don't have anything that says that you can build a mother-in-law apartment, so that might be something that we want to look at. Council Member Jensen asked what does that mean. Attorney Petersen responded that without having the land use code in front of her it is her understanding that mother-in-law apartments are currently permitted in certain areas. Council Member Jensen then asked if there will be a conflict with the code. City Administrator Darrington replied that if it is then we will clean it up with the ordinance amendment.

Director Young then reviewed the list of what is not legal or permitted. He then said that Staff would like to get the information out as to what is legal and what is not and they will do that through the next five things under "Public Awareness." Council Member Jensen suggested adding a public hearing to the Public Awareness section, where we can go through the ordinance and head off any potential issues that may arise because someone has been in St. George for the last six months and didn't know about it. Council Member Boyd responded that all that will take place with the public hearing of the ordinance amendment. City Administrator Darrington said that we won't have to have a public hearing for this but we could have an informational meeting where if there are questions then the citizens can come to City Hall and have Director Young, Attorney Petersen or he answer questions so at the end of the day if someone says that they didn't know about it then we can show them that they went through the five criteria of the public awareness and also say that there was an informational meeting held on this item. Council Member Jensen voiced his concern with having a public hearing; hundred's people could show up because there is a hundred of people that have an accessory apartments. City Administrator Darrington replied that it would be better to have an open house than a public hearing because a public hearing allows them to talk without much feedback from Staff. Director Young indicated that he does like the idea of an open house; it will help with the misunderstandings of accessory apartments.

Mayor Call said that he thought that if they have an accessory apartment we weren't going to do anything until they sold their house, then we will deal with it. Director Young replied that the difficulty with that is there might be some discrimination saying that we are aware of a certain situation we are going to go after it, unless they are not selling the home. Council Member Jensen said that he thought that the City was not going to enforce the accessory apartment but just let them die out and/or not let new ones come in. Attorney Petersen interjected that accessory apartments are not allowed and Staff was asking that if you don't want to create and accessory apartment ordinance allowing them, which the Council said that they didn't want to do then how do you want Staff to go about enforcing the illegal situations that already exist. If you try to grandfather them in they were never legal and you can't grandfather something in that is not legal. Director Young said that to be fair and to be legal we have to act fairly across the board of all situations that we become aware of.

Council Member Jensen wondered about the discussion that had taken place about having people get a business license. City Administrator Darrington replied that we were going to do that only if Council decided to make the accessory apartment legal.

Council Member Boyd commented that she thought that we were going to regulate them as a nuisance, so how many nuisance complaints do we get a year? Attorney Petersen said that she wasn't sure maybe ten a year. Council Member Boyd said that she didn't think that the number will change throughout the year. Director Young replied that he thinks the numbers will change with the public awareness when we say "yes they are illegal" then when the neighbors call in and complain they will be put on a list and we will deal with them as they come in.

Mayor Call said that the Council will hear Item "a" at this time.

a. **MISS STRAWBERRY DAYS ROYALTY PRESENTATION**

The Strawberry Days Royalty Queen – Madysen Memmott, 1st Attendant – Rebecca Woahn, 2nd Attendant – Courtney Brown, 3rd Attendant – Chelsi Lukens, and 4th Attendant – Aubrey Bench, presented the Council with Strawberry Cheesecake in honor of Strawberry Days. They then invited the Council and members of the audience to attend the events of Strawberry Days that will be going on through the week of June 13th – 17th. The Mayor thanked them for coming and bringing the cheesecake.

8. NEIGHBORHOOD ADVISORY BOARD AND STAFF BUSINESS

- Libby Flegal commented that the agendas for tonight's meeting didn't get mailed out last week so the Neighborhood Chairs didn't get the information about the meeting tonight.
- City Engineer Lewis commented that the Villa's Plat's I, K, L, M, Q, R, and S need to be signed by Council.
- Planner Allen said that he has found an electronic version of the land use code, but it needs to be revised to meet the current codes that we have now. He said that when he gets it completed he will get a copy to the Council.
- Treasurer Bezzant informed the Council that on June 2, 2010 there will an employee meeting where the people from the insurance company will come and discuss insurance changes and the cafeteria plan.

- Economic Director Bradford handed out a list of projects that need to be done June 8th for the downtown cleanup project. The Parks Department will have equipment available to use. He said that he appreciated the Council's willingness help with the cleanup. He indicated that we will meet at the downtown city park at 6:00 p.m. Director Bradford then said that next Friday June 11th, the Water Gardens Cinema will be reopening and the cost of the movies tickets will be three dollars with the possibility one dollar concessions.
- Director Giles thanked everyone for their support at the Memorial Day program. Things went well, the weather was perfect and the program was ideal. Council Member Boyd commented an Eagle Scout put flags on the graves of the veterans and that the extra flags were a nice touch. Mayor Call thanks all those that participated it was a fantastic program.
- Fire Chief Sanderson reported on the Fireman's Breakfast. They served one thousand four hundred citizens; this is lower than what was anticipated from last year's number. He then mentioned that the sirens that were heard there is a structure on fire in the north end of town and would like to be excused to go to it. Mayor Call excused Fire Chief Sanderson from the meeting.
- Director Lundell told that Council that on the June 22nd meeting there will be the final approval of the 2010/2011 budget and an amendment to the 2009/2010 budget, so there will be two budget items on the agenda.
- Recorder Kresser showed the Council the flyer that was made for Strawberry Day's.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Danklef praised the Parks Department and cemetery staff for the great job they are doing on keeping the cemetery looking nice.
- Council Member Robinson made special note on how nice Director Giles looked in his fire uniform. She then asked if anything has been resolved on the house that burned down on Center Street. Attorney Petersen asked if it was the Robert Williams home. Council Member Robinson said yes, that is the one. Attorney Petersen went on to explain that the City is in the process of an enforcement action against Mr. Williams. Building and Zoning Department required Mr. Williams to demolish the house. Attorney Petersen said that Mr. Williams has asked for some extra time in order to complete an asbestos study, but he is past his deadline, so the enforcement action has been filed in criminal court but she wasn't sure what the court date is going to be.
- Council Member Jensen questioned if there has been response to the inquiry that was made by a gentleman about the street light on Crestwood Drive. City Administrator Darrington replied that that was handled in Department Head meeting today and City Engineer Lewis could explain the progress on that. City Engineer Lewis said that he has contacted Black and McDonald and they have given him a price to make the repair and he gave them permission to go ahead and make the repair. Council Member Jensen asked if the citizen has been notified about the status. City Engineer Lewis replied that he has his information and would contact him. Council Member Jensen then commented he wished Fire Chief Sanderson was still here, he said that he has heard a lot of people mention the excessive use of the new fire truck out in the community and whether it is really expensive to take it out into the street or even if it really needs to be taken out and how the Council feels about the fact that it is out and

visible or is it too visible by seeing it in situations where another truck could be used. Mayor Call replied that he has talked to Chief Sanderson and he has a very reasonable argument for getting it out on the streets whenever they can. He then suggested that Council send Chief Sanderson an email for an explanation and understand the reason so when asked the question. Council Member Boyd suggested that maybe Chief Sanderson could address this issue in the City newsletter when he writes his next article. Mayor Call agreed with that suggestion.

- Mayor Call mentioned that he may be out of town this coming Friday and Saturday.

10. **SIGNING OF PLATS**

The City Council signed the Villa's Plat Villa's Plat's I, K, L, M, Q, R, and S.

11. **REVIEW CALENDAR**

Mayor Call reminded that Council about the Water Gardens opening on June 11th at 5:00 p.m. Council Member Boyd asked when the Promenade will begin. Director Bradford replied that it will start the first Thursday in July. Council Member Danklef asked what the responsibilities of the Council are for Strawberry Days. The Mayor told him that they ride in a wagon every night at the Rodeo, ride in the parade, and just be visible for the public. Mayor Call reminded Council that next week they will be meeting at the down town park for cleanup and that there won't be a council meeting on June 15th because of Strawberry Days.

12. **APPROVE PURCHASE ORDERS**

ACTION: Council Member Jensen moved to approve the purchase orders. Council Member Robinson seconded the motion passed unanimously with Council Members Wilson, Jensen, Robinson, Danklef and Boyd voting "Aye."

Mayor Call asked for a five minute break before going into executive session.

13. **EXECUTIVE SESSION PURSUANT TO SECTION 52-4-205(1)(A) UCA. "DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL."**

ACTION: At 7:45 p.m. Council Member Danklef moved to go into Executive Session to discuss the character, professional competence or physical or mental health of an individual. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Jensen, Robinson, Danklef and Boyd voting "Aye."

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee Jensen

Kim Robinson

Jeff Wilson

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

ACTION: At 8:19 p.m. Council Member Wilson moved to go back into regular session. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen, Robinson, Danklef and Boyd voting "Aye."

14. ADJOURN

ACTION: At 8:20 p.m. Council Member Wilson moved to adjourn. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen, Robinson, Danklef and Boyd voting "Aye."

This certifies that the City Council minutes of June 1, 2010 are a true, full and correct copy as approved by the City Council on July 6, 2010

Kathy T. Kresser, City Recorder