

Pleasant Grove City Council Meeting Minutes
Work Session
February 11, 2014
6:00 p.m.

PRESENT:

Mayor:

Mike Daniels

Council Members:

Dianna Andersen
Cindy Boyd
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Tina Petersen, City Attorney
David Larson, Assistant to the City Administrator
Deon Giles, Parks and Recreation Director
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
Sheri Britsch, Arts and Culture Director
Libby Flegal, NAB Chairperson
Kathy Kresser, City Recorder

Other:

David Church, Attorney for Utah League of Cities and Towns
Josh Wind – Representing resident John Bushnell

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 Council Members Andersen, Boyd, LeMone, Meacham and Stanley were present.

2) **Pledge of Allegiance.**

The Pledge of Allegiance was led by City Recorder, Kathy Kresser.

3) **Opening Remarks.**

The Opening Remarks were given by City Engineer, Degen Lewis.

Engineer Lewis shared a thought by Seth Godin.

4) **Recognition of Pleasant Grove businesses Mozy and Bank of American Fork for being named a Best Places to Work from Utah Business Magazine.**

Assistant to the City Administrator, David Larson, remarked that he was pleased to have evidence of a great business community in Pleasant Grove. The businesses were selected based on surveys and from speaking internally to employees. Administrator Larson stated that Creig Rowley, the Branch Manager of Bank of American Fork was present as was Mack Jolley from Mozy. Administrator Larson presented both individuals a certificate from the City.

Council Member LeMone asked each business to tell a little bit about their companies. Mr. Jolley stated that Mozy make an effort to create a great team environment. They do fun events in the summer such as renting out theaters for employees. In addition to competitive compensation they also try to help develop their employees and encourage them to acquire more education. Mr. Rowley said Bank of American Fork has been in Pleasant Grove for roughly 18 years. The bank always encourages its employees to be involved in the community.

5) **David Church elected official training.**

Mayor Daniels stated that earlier in the year there was a request for some regarding roles, powers, and duties of elected officials. He introduced David Church from the Utah League of Cities and Towns who would be conducting the training.

Mr. Church introduced himself and stated that he is an attorney who represents cities and towns throughout the State of Utah and has done so for over 30 years. He serves as General Counsel for the Utah League of Cities and Towns. He remarked that Utah has an interesting local government because there are 245 cities and towns in the State with the local government of each being largely customized. The State Legislature has allowed smaller cities and towns to be flexible, making each structured very differently.

Mr. Church stated that the Utah Legislature has established the Utah Municipal Code, which gives cities and towns the basic structure of what is allowed and defines the available forms of government. Within those forms of government cities are allowed to exercise some options.

Pleasant Grove is under the Six-Member Council form of government that is so named because the government consists of a Mayor and five council members. Provo and Orem both have different forms of government. Provo uses the Mayor Council System, which mimics the State and Federal system with a separate executive and legislative branch. Many people think this is a requirement for local government, which is incorrect. Local government is traditionally governed by committee.

In the Six-Member Council form of government the Mayor serves as a member of the Council and acts as the Chair. He has a vote on certain issues and in cases of a tie but does not have veto power. Mayor Daniels serves as the Chief Administrative Officer and the Chief Executive Officer of the City. Once the basic form is selected, the Legislature has allowed cities to get creative about how to run the day-to-day affairs of the City. The flexibility is broad enough that the City can create almost any system they want for the Six-Member Council form.

The courts have said that legislative power provides the authority to make a policy. The executive or administrative power is the authority to carry out policy and appoint those who will carry it out. As Council Members, the electors have given them the power as a Council to create policies that govern the City. The law specifies that in the Six-Member Council form of government, the Council could have administrative functions. Pleasant Grove has created a position of City Administrator, and allowed the Mayor to appoint a City Administrator in his administrative duties. That person is appointed by the Mayor with the advice and consent of the Council. This is a common system for this size of City.

Council Member Boyd asked who can change the form of government. Mr. Church informed her that the Council decides but the Mayor has a strong role in that. In 2008, the Legislature re-did the laws governing the cities and flipped the power from the majority of the Council to the Mayor and a majority of the Council, or a unanimous Council. As long as the Mayor is happy and has the agreement of at least one Council Member, the current government structure will remain unchanged.

Council Member Stanley stated that there was an interesting resolution passed in December of last year as the outgoing administration left to change the termination procedure for City staff. He said that in the event there is a discrepancy between a City Ordinance and the City's Policy and Procedure Manual, he was under the impression that the Mayor had to vote if there was a question regarding what powers the Mayor had in terms of terminations. Mr. Church commented that if you are taking power away from or giving power to the Mayor, he has the equivalent of a vote or a veto. He did not know if the City had done that with the situation described by Council Member Stanley.

Mr. Church explained that in some cities a Mayor would be able to fire an employee without asking the Council. In most cities the Mayor would have to get the advice and consent of the Council, which is how Pleasant Grove operates. City Attorney, Tina Petersen, remarked that the Policy Manual was incorrect and that it provided for the City Administrator to be able to fire an individual without cause including directors and appointed positions, which differs from what the ordinance specifies. As a result, the Council changed the policy to be consistent with the ordinance.

Mr. Church remarked that local government is extremely complicated. Pleasant Grove operates on roughly a \$26 million per year budget. He stated that they are basically running a \$26 million per year corporation. If the City were a corporation there would not be community volunteers running

it, but they would get expert advice and counsel. Running a City of this size is very difficult and complicated and it must be run like a business.

Mr. Church reported that the Government Records Access Management Act, GRAMA, has become very important. Many communities do not understand what a record means. Record is broadly defined to include both paper and electronic information. If Council Members do not want their email to be subject to a GRAMA request, they need to keep all personal correspondence off of their City email account. Only City business should be conducted on their email accounts and they should know that everything in those accounts is subject to records requests from the press and the public. He recommended that the Council and employees be very cognizant of what they say and how they say it in emails. If an email is sent from a personal email account to a City email account that email will be part of the City database and be subject to a GRAMA request.

Personal emails on a personal account are not subject to GRAMA requests and are not government record. If a person gets into litigation it may be subject to discovery rules if it is relevant to the litigation. Mr. Church said it is possible to protect some information if it is truly a private record. It must be disclosed that the City has the information or record and claim that it is protected and it is subject to an appeal. Mr. Church recommended not discussing too much privileged information over email.

Mr. Church informed the Council that if a Council Member is conducting City business from their personal accounts, their personal accounts would be subject to subpoena in litigation. There is a City that has a large GRAMA request due to the high volume of personal account usage. They are currently being required to produce all email from both their personal and City emails. He again urged the Council to use their official email for official business.

6) **Jeff Southard presentation regarding a development on Locust Avenue and 1000 South.**

Attorney Petersen said that this item is not before the Council for a decision yet, but is a development that is coming through the process. Before there is an actual site plan and plat, the developers have a question they would like the Council to address.

Engineer Lewis said that on the Transportation Master Plan the intersection of 1000 South and Locust Avenue is shown as a future roundabout. After looking into the details of doing that, it would have a fairly significant impact on the northeast corner. Engineer Lewis said that the owners and developers would like to address the issue.

Josh Wind was present representing resident, John Bushnell, and was stepping in for Jeff Southard who has been working on the larger proposal. They have been working with the larger development to come up with a plan to subdivide the lots.

Mr. Wind stated that the Transportation Master Plan calls for a roundabout and they have been working with the City to determine the type of roundabout that makes the most sense while still being feasible for the development. A larger roundabout was proposed, and the challenge with the two lots is how someone would appropriately access the roundabout and the properties. Mr. Wind said they have come up with a compromise for a smaller roundabout that will be easier for trucks and larger axel vehicles. It would remove the need for u-turns as well.

Mr. Wind said this will cost more, but also increase property values. It will allow for two homes on the properties, which is two tax revenue sources rather than just one. Mayor Daniels asked if the properties were on the border of the City. Engineer Lewis said everything south of the south sidewalk is in Lindon. The Master Plan only specifies a roundabout but not the geometry of it. It was determined that a roundabout would be best for traffic at build out. There would be too much traffic for a four-way stop, but not enough to justify a traffic signal. A roundabout allows for better service than a four-way stop, but it is not necessarily a good decision if the City ever thinks they will need to go to a signal.

Council Member Boyd asked how roundabouts deal with safety. Engineer Lewis responded that it can be better in that all right angle conflicts are eliminated. It allows traffic to operate at a slightly higher speed, but some say they are unfriendly to pedestrians because vehicles never come to a complete stop.

Engineer Lewis said that the parking ordinance requires driveways be at least 50 feet from the intersection. There is a good chance that Lot One will never have access on 1000 South. The Transportation Master Plan assumes everything is built, which means it assumes that 1000 South connects though, which it currently does not. 900 South will continue to be busy until 1000 South is complete.

Engineer Lewis said that the ordinance requires a corner lot meet the minimum lot width plus 10 feet on both frontages. This lot is in the R1-9 Zone and will require 95 feet in both directions. Council Member Boyd asked for the Chief's opinion on the safety of roundabouts versus four-way stops. Fire Chief, Mike Sanderson, did not have any numbers he could quote on accidents but felt that roundabouts generally cause fewer and less serious accidents.

Engineer Lewis stated that the larger roundabout being proposed is what the City has proposed as the minimum geometry that will function to serve at build out. It is roughly 10 feet smaller than the roundabout near the BMW Dealership.

Council Member Meacham asked if there is currently a visual obstruction at 1000 South. Engineer Lewis said there is a fence and utility pole on the corner. There is a senior living center on the corner that installed the fence. After the fence was put in, it was discovered that there was a sight distance problem. As a result, the City went back to the living center, and the resolution was to reduce from a regular six-foot backyard fence to a three-foot fence on a portion of the fence.

Mayor Daniels asked if the roundabout will help the frontage situation for the property owners on the northeast corner. Engineer Lewis said that it would help but it would probably be better to have a four-way stop. Now was the time for the Council to decide how to move forward. If they proceed with a four-way stop there will be a much greater impact on things that are constructed. If they want to do the roundabout at some point in the future they will either be very close to structures or have to acquire structures in order to make it fit. Engineer Lewis stated that they can change the Master Plan, if desired.

7) **Discussion on agenda items for the February 18, 2014 City Council Meeting.**

The following agenda items for the next City Council meeting were briefly discussed:

- a) To consider for adoption a Proclamation in support of Governor Herbert's Education initiative and Utah Valley University in proclaiming the week of February 24, 2014 through March 1, 2014 as Non-Traditional Student Awareness Week.
- b) To consider awarding S&L Inc. the 500 East Storm Drain Improvements Project in the amount of \$104,376.74. *Presenter: Engineer Lewis*
- c) Review items that will be discussed at the Budget Retreat

8) **Adjourn.**

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

The City Council Meeting adjourned at 7:27 p.m.

This certifies that the City Council Minutes of February 11, 2014 are a true, -full and correct copy as approved by the City Council on March 4, 2014.

Kathy T. Kresser, City Recorder

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