

**Pleasant Grove City
City Council Regular Meeting Minutes
May 16, 2017
6:00 p.m.**

PRESENT:

Council Members: Eric Jensen, Mayor Pro Tem
Dianna Andersen
Cyd LeMone
Ben Stanley
Lynn Walker

Staff Present: Scott Darrington, City Administrator
Tina Petersen, City Attorney
Ken Young, Community Development Director
Deon Giles, Parks and Recreation Director
Mike Smith, Police Chief
David Larson, Assistant to the City Administrator
Sheri Britsch, Library and Arts Director
John Goodman, Streets Superintendent
Scott Darrington, City Administrator
Daniel Cardenas, City Planner
Kathy Kresser, City Recorder

Others: Mark Bishop, Beautification Committee Chair

Excused: Mayor Mike Daniels
Denise Roy, Finance Director
Marty Beaumont, Public Works Director

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

1) **CALL TO ORDER**

Mayor Pro Tem, Eric Jensen, called the meeting to order and noted that all other Council Members were present. Mayor Mike Daniels was excused.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Parks and Recreation Director, Deon Giles.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Andersen.

4) APPROVAL OF MEETING'S AGENDA

It was noted that Items 9D and 11A needed to be continued to June 6.

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

5) OPEN SESSION

Mayor Pro Tem Jensen opened the public hearing.

Lori Williams wished to address transparency issues within the City. She was concerned that the public record was being modified to change the context of what is said during certain conversations. Ms. Williams explained that during the Work Session held on April 11, she was interrupted by a Councilwoman who accused her of doing something that she did not do. The following week, on April 18, 2017, a young man spoke during the Open Session about online bullying and an incident involving his mother. Ms. Williams was concerned that the minutes of April 18 reflected the young man's comments in great detail; however, her comments were minimized. Ms. Williams explained that the comments she made that same night pertained to experiences she had with a Councilwoman who accused her of the very same thing the Councilwoman's son spoke about during the Open Session on April 18. Ms. Williams also mentioned that night that her son had taken his life by suicide. She discussed how children are influenced by leadership in the home. She expressed a desire to see her words tonight be better articulated in the minutes. Ms. Williams commented that the minutes subtly reflected bias and are agenda-driven. She commented that it is important to watch, listen, and study what is recorded in the written record. She concluded that truthfulness and transparency begin at the City-level.

Ms. Williams provided a second example of what was recorded in a set of meeting minutes pertaining to Strawberry Days. Ms. Williams read the following statement, which she attributed to Attorney Petersen from a previous meeting:

[Verbatim] *"For some reason or another 1988 was a key year for records, and our City actually contains a similar one that Jason, I assume, is going to give us in the minutes. Finance. At the end of the celebration, and that is the only document I can find where the finances were shared with the City"*.

[End Verbatim] However, Ms. Williams stated the following was reflected in the approved minutes:

[Verbatim] *"The City has in its filed minutes from 1988 Strawberry Days Association Meeting, where it was noted that the by-laws were being changed and that the noticed changes needed to be mailed out 30 days prior to voting. The documents also indicate that the City of Pleasant Grove was not involved in the changes. Attorney Petersen explained that the Strawberry Days Association has operated as its own separate entity in all situations. 1991 shows a revolving line*

of credit with First Security Bank in favor of the Strawberry Days Association and Pleasant Grove City as co-signer; thereby identifying two separate entities. The Strawberry Days Association...”

[End Verbatim] Mayor Pro Tem Jensen noted that while the City already had record of the document from which Ms. Williams was reading, she could submit said document if she wished. Ms. Williams continued to read from the minutes as follows:

[Verbatim] “...A check is then issued to the Strawberry Days Association for the reimbursement amount. The same process also takes place vice/versa, which is consistent with the two entities being separate. It was noted that the ... Petersen explained that this was not the first time duties and finances have needed ...”

[End Verbatim] Ms. Williams stated that the above section of the minutes was added to the record and was never actually stated.

Jaylene McFarland had strong objections to the developer’s proposal for 67 South Main Street. She explained that a developer is planning on destroying a historic home located at 67 South Main Street, and plans to build a five-story apartment complex in its place. Her first objection pertained to an increase in traffic. The roads around Main Street are small and cannot support that amount of increased traffic. Furthermore, there are buses that travel up and down Main Street and having traffic exit onto Main Street will create problems. If there is traffic behind the buildings, they will use City Hall and Library parking lots, which will be hazardous. Parking at the Library is already difficult and hazardous, and will only get worse if there is additional traffic.

Ms. McFarland’s second objection pertained to having multi-family housing in the Downtown Business District. She explained that everyone wants to revitalize downtown; however, turning the area over to this type of project is not the way to accomplish that objective. Rather, she opined that it would ruin the district. She commented that the City needs to increase small businesses and not add more multi-family housing.

Ms. McFarland’s third objection was that transient housing does not build a community and apartments are inherently transient. Those who live in multi-family housing are not invested in the community and do not intend to stay more than a few years. She remarked that Pleasant Grove already has too much transient housing and they should not continue to add more.

Ms. McFarland’s fourth objection pertained to historic preservation. She commented that the City is systematically destroying Pleasant Grove’s heritage, piece by piece. People choose to live in Pleasant Grove for the small-town community feel, and they do not want to lose that identity. She implored the Council not to destroy the one remaining historic block in the City.

Peter Steele commented on the 100 East project and considered it to be a rare opportunity to add bike lanes at minimal cost to the City. According to the City’s Bike and Pedestrian Plan, buffered bike lanes on 100 East are a top priority in the City. Also, per said plan, the project is expected to cost approximately \$100,000 to add a bike lane. He explained that essentially this is the last opportunity to add a bike lane. He opined that the biggest objection may be that to add the lane, elimination of on-street parking would be required. Mr. Steele encouraged the Council to consider the project and encourage the County to include bike lanes on their roads.

Council Member LeMone reported that there will be an Open House in June regarding 100 East, which will be another opportunity for Mr. Steele to voice his opinion.

Council Member Stanley asked staff to address the timing of the 100 East project as well as what is already outlined in the City's Bike and Pedestrian Plan. City Administrator, Scott Darrington, stated that the road in question is currently in the design phase at the County level, as it is the County's project. An Engineer was recently hired for the design phase of the project. The process was expected to take a few months to complete. If all goes well, they hope to begin construction in the fall. Administrator Darrington noted that Cedar Hills is constructing a sewer line and Pleasant Grove is constructing a water line in the road. Paving will likely take place next spring or early summer. In response to a question raised by Council Member Stanley, Administrator Darrington explained that there are currently no bike lanes in the County's plans.

Jacob Zonts referenced an event that recently took place at the Library. Following said event, several handbills were left on cars parked. Mr. Zonts discovered that the City Code prohibits the distribution and placement of commercial or non-commercial handbills on vehicles. Mr. Zonts opined that this is not enforced and suggested that the City consider eliminating it. He stated that the Council may want to review the ordinance. If they decide to keep it, it should be enforced.

Council Member Stanley asked City Attorney, Tina Petersen, to provide a response to Mr. Zonts' comments. Attorney Petersen explained that if a violation of the law is observed, it should be reported. The Police Department can then decide whether to issue a citation. She noted that in this case it may be difficult to identify the person who distributed the handbills unless there is a witness. She stated that Mr. Zonts' point was well-taken and commented that perhaps the City needs to assess the value of the ordinance. Attorney Petersen had concerns with enforcing said ordinance as currently written, with regard to political speech. She explained that constitutional protections protect political speech and political speech is usually exempt from sign ordinances and other types of regulations. Therefore, if the Council wishes to make an amendment, provisions for political speech need to be included.

There were no further public comments. Mayor Pro Tem Jensen closed the open session.

6) **CONSENT ITEMS**

- a) **City Council Minutes:
City Council Minutes for the April 18, 2017 meeting.**
- b) **To Consider for Approval Payment Request No. 3 for Any Hour Inc., for the
Blackhawk Drive Waterline Project.**
- c) **To Consider for Approval of Payment Approval Report for (May 10, 2017).**

ACTION: Council Member Stanley moved to approve the consent items, with a continuance of Item 6A to the next meeting, and to direct staff to transcribe Ms. Lori Williams' comments verbatim, which were given during the Open Session.

Council Member Stanley suggested that public comments be transcribed verbatim. Administrator Darrington described the process by which the minutes are recorded. He stated that the meeting materials are sent by City Recorder, Kathy Kresser, to a minutes production service based in St. George. The completed minutes are then returned to Recorder Kresser. Recorder Kresser and Attorney Petersen then review the minutes prior to sending them to the Council for review and approval. Prior to final approval, the Council has an opportunity to request changes deemed necessary.

Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

Council Members Andersen and Stanley stated that typically when the minutes are reviewed they focus specifically on their own comments. Administrator Darrington added that the minutes are a reflection of what occurred at a meeting. Audio and video recordings are also available. The advantage of audio and visual recordings is that a person can hear the tone and get a better sense of the intent of what was said. Council Member Andersen asked if there is a cost involved in having Ms. Williams's comments transcribed verbatim. Recorder Kresser stated that she would transcribe the comments verbatim, which she did not expect to be overly time consuming. Administrator Darrington noted that if the intent is for all public comments to be transcribed verbatim moving forward, there would need to be a separate discussion regarding cost. It is not, however, problematic for the City to meet individual requests from the public to have certain comments transcribed verbatim.

Attorney Petersen noted that the minutes are intended to be a summary of what took place at the meeting and are not intended to be word-for-word. However, if someone reads the minutes and feels that their comments were misconstrued, staff can have their comments transcribed verbatim to address concerns.

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-25) AMENDING THE CITY CODE REGARDING APPROVAL OF FINAL PLATS, AMENDING SECTIONS 11-2-7, 11-2-10, 11-4-1, 11-5-1, 11-7-1, 11-7-2, 11-7-4 AND 11-7-5. THE AMENDMENTS WILL PROVIDE FOR ADMINISTRATIVE APPROVAL OF MINOR FINAL PLATS HAVING THREE (3) OR LESS LOTS, AND OTHER RELATED CODE UPDATES. (CITY WIDE) *Presenter: Director Young.***

Community Development Director, Ken Young, presented the staff report and stated that as of today, any new application for a newly proposed subdivision goes through the process delineated by staff and is approved by the elected officials. For all new proposed subdivisions, a Notice of Public Hearing is sent to all property owners within a 300-foot radius after the proposal has complied with all the requirements set forth in the ordinance and staff has determined that the application is complete, including the payment of fees.

Currently, all new proposed subdivision plats are presented to the Planning Commission. After a public hearing is conducted, the Planning Commission forwards a recommendation of approval or denial to the City Council who then grants final approval or denial of the proposed plat. For the proposal to be presented at the public hearings, it needs to meet the already specified time periods and be accommodated in the schedule established for all Pleasant Grove City meetings.

When a proposal for a new subdivision plat is received at the front counter, staff makes a clear differentiation between the plats depending on the number of lots proposed. When the proposed plat includes three (3) or fewer lots, it is considered a minor subdivision. This clear differentiation is also reflected on the fee schedule previously approved by the City Council. The preliminary fee for all minor subdivisions (subdivision plats with three (3) or fewer lots) is \$100 plus \$50 per lot. This is contrary to the preliminary fee for subdivisions consisting of four (4) or more lots, which is \$500 plus \$50 per lot.

Staff also considers the review process for minor subdivisions that are not involved in the process of a road dedication and/or City easements to be faster and less onerous. Therefore, staff proposes changes in how final approval is given to all proposed minor subdivisions. Staff proposed that all minor subdivisions that are not involved in the process of having to dedicate a road or easement to the City, could receive final approval from the City Engineer after obtaining preliminary approval from the Planning Commission. This proposal would benefit the City in that a faster response time for applicants since the item does not have to be scheduled for an additional meeting before City Council and final approval is not tied to an already established schedule for the City Council. The proposal applies to both residential and commercial subdivisions. Subdivisions with four (4) lots or more will go through the existing approval process.

Staff was also proposing changes to the application and review process. In an effort to go paperless, staff requires all submittals be electronic. This requirement has already been successfully implemented over the last year.

In response to a question raised by Council Member Stanley, Director Young indicated that the Council would be able to hear updates on micro plats. Council Member Stanley asked how frequently that will occur. Director Young stated that the intent was for the Council to review them monthly.

Mayor Pro Tem Jensen opened the public hearing. There were no public comments. Mayor Pro Tem Jensen closed the public hearing.

Council Member LeMone commented that she did not find it cumbersome to review these types of proposals. In light of what recently occurred with a car lot in the City, she was more comfortable

having these types of issues come before the Council. She was in favor of leaving City Code as is.

Council Member Stanley posed the question of whether there is a compromise that might satisfy Council Member LeMone's request. He suggested that the proposal be modified to only include subdivisions with no more than two lots, instead of four as suggested in the staff report. Director Young stated that the car lot to which Council Member LeMone was referring is an issue that pertains to zoning. Another issue regarding an assisted living facility also involved zoning. He felt that those types of issues would be better addressed at a zoning public hearing. Director Young further noted that the car lot in question was requested by an applicant and approved by the City Council seven or eight years ago.

Council Member LeMone was open to a compromise. Council Member Andersen understood the purpose of trying to simplify the subdivision approval process. She supported the proposed amendments and agreed that the aforementioned issues with the car lot and assisted living facility pertain to zoning. Council Member Walker supported staff's proposal, as written.

ACTION: Council Member Andersen moved to adopt an Ordinance (2017-25) amending the City Code regarding approval of final plats, amending sections 11-2-7, 11-2-10, 11-4-1, 11-5-1, 11-7-1, 11-7-2, 11-7-4 and 11-7-5. The amendments will provide for administrative approval of minor final plats having three (3) or less lots, and other related code updates; and adopting the exhibits, conditions and findings of the staff report.

Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Stanley and Walker voting "Aye", and Council Members LeMone and Jensen voting "Nay". The motion passed 3-to-2.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-26) AMENDING THE CITY CODE REGARDING THE MAILING OF NOTICES OF PUBLIC HEARINGS TO CONSIDER LAND USE ORDINANCES, REQUIRING NOTICES TO BE SENT TO PROPERTY OWNERS AFFECTED BY THE ORDINANCE CHANGE UNLESS THE CHANGE GENERALLY AND EQUALLY AFFECTS ALL PROPERTIES WITHIN A PARTICULAR DISTRICT, OR WITHIN THE ENTIRE CITY. (CITY WIDE) *Presenter: Director Young.*

Director Young presented an overview of the staff report. He explained that the proposed amendment to City Code 10-2-1D-2C-2A: Mailing of Land Use Notices, pertains to the approach staff takes with notices sent to residents and property owners who neighbor a property that requires approval or a recommendation of approval during a public hearing before the Planning Commission or City Council. Staff is required by City Ordinance to mail a notice of the proposed item not only to each adjacent property owner within 300 feet of the subject property, but also to each property owner whose land is directly affected by the proposed change.

The City's process in meeting this requirement involves printing a postcard notice that includes a short description of the item. They are mailed 10 days in advance of the public hearing. It was noted that staff acquires the names and addresses of the neighboring property owners from a database provided by the County.

Mailing postcards to property owners within 300 feet of the subject property has not been a problem; however, the requirement of sending mailers to each property owner whose land is directly affected by the Land Use Ordinance change is ambiguous and represents a problem when the proposed amendment to the City Code or the proposal of a new ordinance affects an entire zone within the City or the entire City. It was noted that sending mailers to an entire zoning district or the entire City would be very costly and difficult to achieve. The proposed change was as follows:

- A. Each property owner whose land is directly affected by the Land Use Ordinance change, unless the change generally and equally affects all properties within a particular zoning district, or within the entire City; and
- B. Each adjacent property owner within 300 feet of the land that is the subject of the application. The proposed amendment does not deprive the residents of an entire district or the entire City from getting to know any proposed Code amendments or new additions to the Code since other means of noticing are still provided, such as the posting of the proposed items in three public locations (City Library, City Hall and Community Development Buildings), the posting of the proposed items in the City and Utah State website and the publishing of the items in a newspaper of general circulation, which in the case of Pleasant Grove is *The Daily Herald*.

The Planning Commission reviewed the proposal at their April 27, 2017 meeting, and recommended approval, with the condition that the proposed language also be added to Section 10-2-1D-2A.

Council Member Stanley was comfortable with the proposed language throughout the entire City; however, he inquired as to whether the clause was included in a particular zoning district. He also asked about the City's smallest zoning districts. He preferred to err on the side of over-noticing. Director Young reported that most of the City's zoning districts are larger. Although there are smaller zoning districts, they are typically combined with another area that is similarly zoned but might be located on the opposite side of town. Director Young stated that by and large the proposed amendments will still ensure that the City complies with the noticing requirements. The verbiage simply made it so that they do not have to notice everyone in the zone. Instead, it would require the City to only notice residents who are directly adjacent to a project.

Mayor Pro Tem Jensen opened the public hearing.

Jacob Zonts asked if the City will save money on noticing by adopting the proposed amendments. If so, he indicated that the savings could go toward roads.

Administrator Darrington stated that the proposed amendments will reflect the City's current practice.

There were no further public comments. Mayor Pro Tem Jensen closed the public hearing.

ACTION: Council Member Stanley moved to adopt an Ordinance (2017-26) amending the City Code regarding the mailing of notices of public hearings to consider land use ordinances, requiring notices to be sent to property owners affected by the ordinance change unless the change generally and equally affects all properties within a particular district, or within the entire City; and adopting the exhibits, conditions and findings contained in the staff report. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION OF AN ORDINANCE (2017-27) AMENDING CITY CODE CHAPTER 10-11E, DOWNTOWN VILLAGE ZONE BY COMBINING PROVISIONS OF CHAPTER 10-13C, MIXED USE OVERLAY ZONE INTO THE DOWNTOWN VILLAGE COMMERCIAL SUB-DISTRICT; AND REVISING AND COMBINING THE PROVISIONS REGARDING PERMITTED USES, DENSITY, AND VARIOUS ZONING REQUIREMENTS IN THE COMMERCIAL AND TRANSITIONAL SUB-DISTRICTS. (DOWNTOWN VILLAGE ZONE) *Presenter: Director Young.*

City Planner, Daniel Cardenas, presented the staff report and displayed aerial images that showed the above stated areas of the City. He explained that the City is requesting to amend Code sections 10-11E and 10-13C: Downtown Village Zone (DV) and Downtown Mixed Use Overlay Zone (DMU) with the intent of simplifying the language and uses in the Downtown area.

Staff recognized the need for new provisions and specific development standards to be established in the Downtown Village to assist future development and preserve the original intent of the zone. The proposed changes to the ordinance were categorized into the following three classes:

- A. Consolidation of the three different zones in the area.
- B. Removal of most Conditional Uses in the zone and addition of new uses.
- C. Rearrangement of the density ratios per zone.

The Downtown Village zone is currently divided into three different zone categories. It contains two sub-districts which were identified as the Transitional Sub-District and the Commercial Sub-District. A third category, identified as the Mixed Used Overlay Zone, applies only to a portion of the Commercial Sub-District. The proposed City Code amendment is intended to consolidate the Mixed-Use Overlay Zone into the Commercial Sub-District by repealing City Code Section 10-13C: Downtown Village Zone and use some of its objectives to strengthen the Commercial Sub-District. Currently, each category has its own provisions and characteristics. Therefore, the proposed new zone would adopt the provisions of both zones as well as the purposes and objectives of each zone. The new zone would retain the Commercial Sub-District name.

With regard to the uses allowed in the three different categories in the Downtown Village Zone as permitted or as conditional, a table was created for both sub-districts. Many of the listed conditional uses were permitted with development standards. Some of the development standards applied to the uses are geographical, architectural, or design in nature. The proposed new table

would significantly reduce the number of citizen requests presented to the Planning Commission by making them administrative processes.

The existing ordinance allows use 1300 (residential hotels where guests stay longer than 30 days) as a conditional use in the Transitional Zone. Staff considers expanding the use to 1511 (hotels) to have no negative repercussions on the Downtown Village Commercial Sub-District. The Code still requires each proposed use or development to comply with the established parking regulations.

Staff also proposed a reduction and rearrangement of the density ratios as follows:

Transitional Sub-District:

1. Single Family Dwellings;
2. Duplexes;
3. Triplexes (7,500 square-foot lots are required and the building shall have the appearance of a single-family dwelling); and
4. Ten units per acre in the case of multi-family. (The maximum number of units in one building is three (3) and each building shall have the appearance of a single-family dwelling).

Commercial Sub-District:

1. Single Family Dwellings;
2. Duplexes; and
3. Multi-family is allowed only as a mixed-use and the ratio is three (3) residential units per one thousand (1,000) square feet of retail/commercial use.

The Planning Commission reviewed the proposal over several meetings with a final review that took place on April 27. The proposed ordinance was recommended for approval with a 4-to-1 vote.

Council Member LeMone asked if there is a maximum height that will be imposed in the Transitional Sub-District. Mr. Cardenas responded that the height requirements will remain the same. Council Member LeMone she was of the understanding that the same size building as the Bella Grace Townhomes could be built east of 100 East, which was of concern. Mr. Cardenas stated that the same density could not go in the area Council Member LeMone referred to.

Director Young explained that the Transitional Sub-District currently allows a height of 40 feet. The proposal is for a maximum height of 35 feet, which is the same as the rest of the City's single-family residential zones. This would prohibit buildings like the Bella Grace development from being developed in the area in question.

Mayor Pro Tem Jensen opened the public hearing. There were no public comments. Mayor Pro Tem Jensen closed the public hearing.

ACTION: Council Member Andersen moved to adopt an Ordinance (2017-27) amending City Code Chapter 10-11E, Downtown Village Zone by combining provisions of Chapter 10-13C, Mixed Use Overlay Zone into the Downtown Village Commercial Sub-District; and revising and combining the provisions regarding permitted uses, density and various zoning requirements in the Commercial and Transitional Sub-Districts. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-28) AMENDING THE CITY CODE REGARDING THE REGULATION OF ACCESSORY STRUCTURES. THE AMENDMENTS WILL PROVIDE GUIDELINES FOR THE ESTABLISHMENT OF METAL SHIPPING CONTAINERS IN THE R-R (RURAL RESIDENTIAL), R1 (SINGLE-FAMILY RESIDENTIAL) AND RM-7 (MEDIUM MULTIPLE-RESIDENTIAL) ZONES. (CITY WIDE) Presenter: Director Young *Continued to June 6, 2017.

E) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-29) AMENDING THE CITY CODE SECTIONS 1-11-4-2B, 1-11-5-1E, 2-1-1, 2-1-3, 2-2E-2N, 10-2-3A, 10-2-4G, 10-2-5B, 10-5-2, 10-15-30L, 10-15-42A, 10-21-8, 11-1-4, 11-5-1A, 11-9-9, AND 11-14-3, RELATING TO REPLACING THE PLEASANT GROVE CITY BOARD OF ADJUSTMENT WITH A HEARING OFFICER, WHICH IS A DIFFERENT TYPE OF APPEAL AUTHORITY. (CITY WIDE) Presenter: Director Young.

Director Young presented the staff report and explained that the Board of Adjustment has served the community for many years. The Board of Adjustment is comprised of five members and up to two alternate members appointed by the Mayor. The main function of the Pleasant Grove Board of Adjustment are as follows:

1. Appeals zoning decisions applying the zoning ordinances of the City;
2. Grants special exceptions to the terms of the zoning ordinances of the City; and
3. Grants variances from the terms of the zoning ordinances of the City.

Recently, the State Code was amended to allow for various options when addressing the above listed duties. Many local jurisdictions in the State have since changed their appeal authority from a Board of Adjustment to a Land Use Hearing Officer with great results. Staff proposed to move that direction. At the last Budget Retreat, staff proposed the change to the City Council and Mayor.

The decision to switch to a Hearing Officer was based on the need to have an appeal authority that is current and keeps up with constant changes to land use issues. Typically, the Hearing Officer is a professional who is well versed in City ordinances and the Utah State Code.

The Mayor recently held a meeting with members of the Board of Adjustment to inform them of the proposed change and future opportunities to serve in the community. It was noted that the function of the local appeal authority will remain the same regardless of the proposed changes. The main difference was that the appeal authority will now reside with a professional Hearing Officer.

The reason so many City Code sections are proposed to be amended was because every provision that mentions the Board of Adjustment must be changed to reference the new proposed Hearing Officer. The Planning Commission unanimously recommended approval of the proposal at their May 11 meeting.

Council Member LeMone asked Director Young to review the process by which an applicant will meet with the Hearing Officer. Director Young explained that the applicant would complete an application that requests specific information, including the reasons they are requesting an appeal or variance. The application asks specific questions about what is outlined in State Code. There are five criteria the Board of Adjustment or Hearing Officer address. Currently, once the information is collected, it is sent to the Board of Adjustment for review. The Board of Adjustment requires 30 days to review the information, which can delay an applicant. The advantage to a Hearing Officer over a Board of Adjustment is that it simplifies the process and expedites the process. Staff would submit a report to the Hearing Officer with their findings and recommendations, which is what they currently do for the Board of Adjustment. Director Young stated that the noticing policies will remain the same.

Mayor Pro Tem Jensen noted that in Section 2-1-1, the Board of Adjustment was crossed out; however, the Downtown Advisory Board was highlighted in red. He asked Director Young to explain why this was the case. Director Young indicated that when this section was created, the City did not have a Downtown Advisory Board.

Attorney Petersen reported that the ordinance will not take effect until July 1, 2017. She thought this was indicated in the ordinance; however, the copy included in the packet reflected the traditional effective date language. She advised the Council to make this clarification in the motion.

Director Young stated that staff's understanding was that with the Board of Adjustment that if the City is unable to appoint a Hearing Officer before July 1, staff will look to them to review any applications that come forward. Council Member Andersen asked if the Hearing Officer would be a resident. Attorney Petersen clarified that typically the Hearing Officer would not live in the City to avoid potential conflicts. The position is advertised as an independent contractor. Council Member Stanley remarked that during this year's Budget Retreat he inquired as to the cost of hiring a Hearing Officer compared to what they spend with a volunteer Board of Adjustment. He asked staff if they had a cost analysis. It was Director Young's understanding that a Hearing Officer is typically paid is \$50 to \$120 per hour. He also noted that the City offers to pay training

expenses for Board of Adjustment Members. Council Member Stanley asked staff if they had information indicating how frequently the Board of Adjustment has taken advantage of training opportunities. Director Young indicated that while some training was offered onsite, Board Members were also invited to attend trainings offsite as well. He stated that it would be worthwhile for the City to have a policy in place that would offer a more fair and balanced review. Council Member Stanley appreciated the volunteer spirit of the City. He was aware of many residents who want to be involved in the City and the Board of Adjustment provides such an opportunity. He was disappointed to lose this opportunity.

Council Member Andersen liked the idea of having a non-resident serve as the Hearing Officer because it eliminates the potential for conflicts between neighbors. She also expressed her support of volunteerism. Director Young agreed.

Mayor Pro Tem Jensen opened the public hearing.

Jacob Zonts asked if the Hearing Officer would work full-time or on a contractual basis.

Attorney Petersen noted that on average the Board of Adjustment meets two to three times per year. Hearings normally take about one hour. In addition to attending the hearing, the Hearing Officer would also spend additional time drafting a decision. Staff estimated that the Hearing Officer would work five to 10 hours annually for the City.

There were no further public comments. Mayor Pro Tem Jensen closed the public hearing.

ACTION: Council Member LeMone moved to adopt an Ordinance (2017-29) amending the City Code Sections 1-11-4-2B, 1-11-5-1E, 2-1-1, 2-1-3,2-2E-2N,10-2-3A,10-2-4G, 10-2-5B, 10-5-2, 10-15-30L, 10-15-42A,10-21-8,11-1-4, 11-5-1A, 11-9-9, and 11-14-3, relating to replacing the Pleasant Grove City Board of Adjustments with a Hearings Officer, which is a different type of appeal authority. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

F) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-30) AMENDING THE CITY CODE TITLE 3 CHAPTER 16 “TRANSIENT MERCHANTS AND STREET VENDORS” AMENDING SECTION 3- 16-4 “DEFINITIONS” AND ADDING SUBSECTION 16B “MOBILE FOOD TRUCKS” REGULATING THE LICENSING AND PERMITTING REQUIREMENTS FOR FOOD TRUCKS AMENDING SUBSECTIONS 7 AND 9 TO REMOVE BONDING REQUIREMENTS. (CITY WIDE) *Presenters: Director Young and Attorney Petersen.*

Attorney Petersen explained that the City has had transient merchants and street vendors for a long time. However, there was not a specific provision for mobile food trucks. She stated that food trucks have been a booming new business model. This year the State Legislature outlined certain requirements to which cities must adhere. Previously, there has been no uniformity with regard to the licensing food trucks. Individual municipalities make their own decisions in terms of fees and licensing procedures. The State has since imposed requirements to regulate these types of

businesses. The State now requires cities to validate food truck businesses licenses, with the caveat that they provide proof of insurance, fire, and health inspections. The proposed ordinance would implement the new requirements as set forth by the State. The State has also indicated that cities may continue to use their land use ordinances to regulate these types of businesses. Attorney Petersen stated that the proposed amendments to the City's Land Use Ordinance would be presented to the Council at a future date.

Council Member Stanley wanted to better understand the new State-created reciprocity arrangement.

Attorney Petersen read the following from State Code: *"It shall be unlawful for any person or entity to operate or permit another to operate a mobile food truck business within the municipal boundaries of Pleasant Grove City, without first having obtained and possessed a current business license from Pleasant Grove City, or any political subdivision of the State of Utah."*

Attorney Petersen explained that if an applicant applies for a business license in American Fork, the City cannot charge for another license or add anything to those requirements to obtain a business license. If Pleasant Grove has different zoning regulations about where food trucks can operate, the City will still have control over those regulations.

Attorney Petersen explained that the question of how long a mobile food truck can operate in any given location will be addressed in the Title 10, which will be addressed on June 6.

In response to a question from Council Member Andersen, Attorney Petersen explained that the idea behind the State Code requirements is to provide consistency for food truck vendors. The intent of the Legislature was to create a predictable, level playing field. The State also indicated that cities cannot charge the full fee to someone who has a business license in American Fork. The City can, however, still charge a nominal processing fee to cover administrative costs. Therefore, the \$25 one-time fee would be added to the consolidated fee schedule. Regular business licenses are \$100. Council Member Andersen asked why the fee would not be paid annually. Attorney Petersen corrected her previous statement and stated that Council Member Andersen was correct in that the \$25.00 fee would be assessed annually if the same business comes back the following year.

Mr. Cardenas read another portion of the State Code which states: *"Nothing in this sub-section prevents a political subdivision from enforcing the political subdivisions, land use regulations, zoning and other ordinances in relation to the operation of a food truck."*

Mayor Pro Tem Jensen opened the public hearing.

Connor Boyack identified himself as the President of the Libertas Institute, which is a free market think tank. The State Food Truck Law is one of their creations. They proposed the bill last year following significant research of the costs of licenses in cities around the State, as well as meeting with various food truck owners. Mr. Boyack had several concerns he wished to express. He hoped the Council would consider continuing the item rather than voting tonight.

Mr. Boyack stated that it was characterized that the Legislature enacted this law out of a desire for consistency. He opined that this was incorrect. The Legislature's concern was redundancy. He reported that some food truck operators have gone out of business because they have had to obtain various licenses and pay fees in multiple cities. Some of the larger food truck companies have hired staff dedicated to managing regulatory compliance, which makes the profit margins on food products razor thin. Food truck operators are also required to deal with unnecessary inspections as part of the problem of redundancy.

Mr. Boyack responded to an earlier question from Council Member Stanley regarding whether other cities can impose more restrictions than others. He explained that they can as the matter pertains to land use ordinances. However, State law does not allow for further restrictions on business licensing. Mr. Boyack referenced Senate Bill 250, which recently went into effect. He read from Line 118, which states that if a food truck operator presents the necessary documents, the political subdivision (or the City) cannot impose additional license qualifications.

Mr. Boyack stated that the proposed Ordinance (2017-30) exceeds what State law requires. He explained that one example mentioned previously pertains to background checks. He indicated that State Law prohibits the City from requiring a background check as part of the licensing process.

Mr. Boyack expressed several concerns with the proposal, as presented. First, to Subsection 3: Conditions of Requirements, Paragraph D states that every applicant must meet certain insurance requirements. Mr. Boyack explained that while Pleasant Grove is within its rights to impose such requirements on applicants, State Law prohibits that from being required of people who are obtaining a reciprocal license. The proposal presented by staff does not make that distinction and that clarification needs to be made.

Mr. Boyack identified a section in another paragraph that specifies that every applicant must obtain a valid fire inspection from either Pleasant Grove City or Utah County. He explained that this would be an unnecessary requirement to impose on a food truck business that obtains a similar inspection from Salt Lake County, for example. Furthermore, according to the language in State law, Pleasant Grove shall issue a license if the applicant meets the criteria, including passing a fire inspection. State Law prohibits the City from limiting an applicant to Pleasant Grove City or Utah County as the entity conducting the fire inspection. He stated that while this requirement could be imposed on an application that originates in Pleasant Grove, they cannot legally require this of applicants applying for a reciprocal license. Like the aforementioned insurance requirements, this distinction is not made in the current proposed Ordinance.

Mr. Boyack referenced the language in the proposed Ordinance that addresses the reduced licensing fee. He noted that the typical legislative preference is to have the proposed fee schedule included with the Ordinance.

Mr. Boyack stated that Subsection F4, which states that “...*proof of motor vehicle insurance and general liability insurance in amounts required by the issuing political subdivision...*” exceeds State Law. The City is not allowed to impose this requirement on a reciprocal license.

In response to a question from Council Member Andersen regarding insurance, Mr. Boyack explained that separate laws govern motor vehicle insurance. For example, if someone lapses on their insurance by one week when submitting an application, they cannot be denied a business license.

Mr. Boyack stated that Subsections F5 and F6 appeared to be poorly formatted. He suggested they be separated from how they were grouped in the draft presented to the Council. Next, Mr. Boyack read language that specifies that all applicants should provide proof of compliance with all applicable Federal and State laws. He remarked that this language is ambiguous and asked the Council what form of additional proof this would entail.

Mr. Boyack opined that it would be illegal for the City to pass the proposed Ordinance in its current form. He explained that they would be passing an Ordinance that references a non-existing section of Code that has not been deliberated or voted on. Furthermore, he was concerned that there were unconstitutional restrictions currently in place for food trucks that are not required of other similar businesses, namely the number of days they can operate in a given area. Mr. Boyack stated that this issue has been litigated in other areas and could potentially be litigated in Pleasant Grove if an arbitrary restriction were enacted.

Attorney Petersen commented that it would not be appropriate to address each of Mr. Boyack's concerns in an open meeting. She expressed support for the Council continue the item to June 6. In the meantime, she would meet with Mr. Boyack.

Jacob Zonts agreed with several of Mr. Boyack's remarks.

Lori Williams recommended the discussion between Attorney Petersen and Mr. Boyack take place in public.

Curtis Miles agreed with the previously stated comments.

Mark Bishop suggested that an offline discussion take place to be prepared prior to the June 6 meeting.

There were no further public comments. Mayor Pro Tem Jensen closed the public hearing.

Council Member Stanley was concerned that some applicants have waited a long time for a resolution on this matter. He agreed that the proposed Ordinance needs more work due to legal and structural concerns. He thought it was unfortunate that the matter needs to be continued due to inconveniences it may cause. Council Member Andersen agreed, but stated that the Ordinance will affect the entire City. Attorney Petersen noted that an applicant with a pending application asked to have his application suspended until August. It was noted that the delay would not necessarily be detrimental to his request.

ACTION: Council Member LeMone moved to continue adoption of an Ordinance (2017-30) to June 6, 2017, to allow time for Attorney Petersen and Mr. Boyack to meet and discuss the various concerns raised tonight. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting "Aye". The motion carried unanimously.

10) **ACTION ITEMS READY FOR A VOTE**

- A) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2017-031) AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR THE ADMINISTRATION OF THE 2017 MUNICIPAL ELECTIONS BY VOTE BY MAIL; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from the May 2, 2017 meeting) *Presenter: Administrator Darrington.***

Attorney Petersen introduced the above resolution, and read the following responsibilities as stated in Section 4 of the agreement (Parties Responsibilities):

Utah County agrees to:

1. Provide manpower and equipment to count all ballots for the 2017 City Municipal Election. Equipment in this case means mail processing and optical scan ballot equipment.
2. Provide manpower and equipment to process all voter registration applications, prepare and mail all official ballots, and process/count them upon return and include these ballots in the official election return.
3. Provide manpower and equipment to program and test the tabulation programming for said elections.
4. Provide manpower and equipment to program, prepare and mail official ballots.
5. Provide the needed postal permits for both outbound and return mail.
6. Provide manpower and equipment to canvass all election returns. This includes only one count and one canvass. As it is not possible to predict the scale and scope of a recount, reasonable costs will be billed for recounts and re-canvassing.
7. On Election Night, provide the official Election results through the standardized reports and/or data feeds as generated by the Election programming and management program and system used by the County.
8. Provide final, canvassed report of Official Election Results. Such results will constitute the final Official Results of the Election.
9. Acknowledge that this Interlocal Agreement relates to a municipal ballot and election and as required by state statute, the municipal clerk is the election officer.

The City of Pleasant Grove agrees to:

1. Provide manpower, facilities and equipment for Candidate Filings. (In the case of Pleasant Grove City, this responsibility will be executed by the City Recorder).
2. Provide manpower, facilities and equipment for receiving and processing of all financial disclosures required by State Code and/or City Code. (In the case of Pleasant Grove City, this responsibility will be executed by the City Recorder).
3. Accept responsibility to keep candidates and the public up to date and current on all legal requirements governing candidates and campaigns, including candidate filing, campaign finance disclosures and all local ordinances governing campaigns.
4. Provide a single voter service center within the City. Such a center is not intended to be a polling place, rather it is a place for voters with issues to go and receive help. Said service center will operate during traditional voting hours (7:00 a.m. to 8:00 p.m.) on Election Day only.
5. Recruit, train and staff the required voter service center with an adequate number of poll workers.
6. Order and provide all materials needed to run the service center mentioned above. All ballots used will be ordered from K&H, the printing and mailing contractor for the 2017 Election.
7. When needed use Utah County's poll worker training contractor and pay all expenses for vote center worker training should it be needed.
8. Pay Utah County up to \$3,430.03 for ballot programming, voting system support and operation.
9. Pay Utah County up to \$35,756.19 for ballot printing and mailing. This includes both Primary and General Elections.
10. Pay Utah County for all return ballot postage. The estimated cost is 46.9 cents per piece. Return ballot postage cost for 15% turnout in the Primary and 30% in the General election would be \$3,761.38.
11. Thoroughly examine and proof all election programming done for the 2017 City Municipal Election. The City will examine and complete all proofs to ensure programming is complete and correct for all of their own ballot styles. Final approval of ballots and programming will rest with the City.
12. Pay all reasonable costs associated with recounts, re-canvassing, election contests and any other extraordinary expenses that may arise in connection with this Agreement.
13. Host on the official City website a link to or copy of the official reported results as hosted on the County Elections web page.

14. The City will not change the format or otherwise alter the official reported results, only displaying them in the form and format as provided by the County.

Attorney Petersen noted that if there are more than the estimated percentage of returned ballots, the City would be required to pay more in postage than listed. According to staff's calculations, they do not estimate additional expenses to exceed \$1,500.

Council Member Stanley asked what the outcome would be if the Council does not pass the resolution. He had concerns with the expenses associated with Vote by Mail, given that those funds could go toward other priorities in the City. Attorney Petersen stated that the City has already given the County notice that they are planning to partner with them in this effort. She recalled that in a previous discussion the Council authorized staff to move forward to negotiate an agreement with the County for Vote by Mail services. Council Member Stanley asked what the implications would be if the Council reversed course at this point. Attorney Petersen explained that the City would then have to determine polling locations and incur 100% of the election costs. Council Member Stanley asked if this option would be less expensive than partnering with the County in Vote by Mail. Attorney Petersen did not know what the cost difference would be.

Administrator Darrington explained that the City used to hold its own elections. Three or four years ago they decided to contract with the County to use electronic voting machines. The County will no longer maintain the electronic voting machines. As a result, the only options for the City are to (1) contract with the County in a Vote by Mail option, or (2) hold its own election. Administrator Darrington did not have information showing the cost difference between the two options; however, it would be less expensive for the City to hold its own election. He noted that if Representative Jason Chaffetz resigns prior to the end of his term, a Special Election will take place via Vote by Mail.

Council Member LeMone stated that to fully understand the priorities of the citizens, they need to make every opportunity to vote available. She noted that studies indicate that the Vote by Mail option has resulted in a 25% to 30% increase in voter turnout. This increase will be the method by which the City will understand the citizens' priorities. She commented that this is one of the best votes she can make as a Council Member because it allows more people to vote who would not otherwise be able to physically vote at the polls. Council Member LeMone reported that she attended a Recorder's Training to learn more about this process. There has not been a single case of voter fraud reported in Utah with regard to the Vote by Mail option. Any fraud that could occur would take place in the home where family members fill out ballots for other family members. This is something that the City will have little control over. It is possible for other types of fraud to occur in person at the polls. Council Member LeMone explained that based on the information she received at the Recorder's Training, the portion of the ballot that is completed by the voter is covered up. A person removes the signature portion and verifies the signature which the County records. The ballot is then passed on and counted in a machine. Council Member LeMone concluded that they need to place priority on getting as many people out to vote as possible.

ACTION: Council Member LeMone moved to adopt a Resolution (2017-031) authorizing the Mayor to enter into an Interlocal Cooperative Agreement between Utah County and Pleasant

Grove City for the Administration of the 2017 Municipal Elections by Vote by Mail; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, LeMone, Jensen and Walker voting “Aye”, and Council Member Stanley voting “Nay”. The motion passed 4-to-1.

B) TO CONSIDER FOR AN ORDINANCE (2017-31) AMENDING TITLE 2-2E “BEAUTIFICATION AND SHADE TREE ADVISORY COMMISSION” OF THE PLEASANT GROVE MUNICIPAL CODE BY IMPLEMENTING A WATER CONSERVATION PROGRAM, PROVIDING AN AVENUE TO ELECT A SECRETARY, TREASURER, HISTORIAN AND OTHER HOUSEKEEPING CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Mark Bishop, Beautification Chair.*

Beautification Chair, Mark Bishop, presented the following proposed Ordinance amendments:

- Item L (Duties and Responsibilities): To participate in the development and periodic updating of a Street Tree Master Plan and an Arboretum Master Plan; has been stricken. The Commission did not participate in this action and felt it was beyond the scope.
- Item Q (Duties and Responsibilities): To provide and implement a Water Conservation Program; was added. (Ord. 2002-5, 2-5-2002).
- Item C (Term of Office: Consecutive Terms): No person shall serve more than two (2) consecutive terms on the Commission. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms; was stricken.
- Item C (Removal and Vacancy) was modified as follows: Filling of Vacancy: If a member's office becomes vacant, such vacancy shall preferably be filled for the unexpired term by someone from that person's neighborhood. If, after efforts to identify a person from that neighborhood are unsuccessful, a person from any other neighborhood within the City may be selected.
- Item A (Meetings) has been modified as follows: Chairperson: The commission shall elect one of its members to be the Chairperson and another as Vice Chairperson. Other Commission-elected officers shall include a Secretary, Treasurer, and Historian. Additional roles may be assigned by the Commission, as needed. The Chairperson shall conduct all meetings and shall serve for one year. Elections for Chairperson and other elected Commission officers shall be held annually at the first January meeting of the year. Elected officers may serve consecutive terms. Additional assigned roles may be less than one year or extend beyond two years. (Ord. 2002-5, 2-5-2002; amd. 2003 Code).
- Item 2-2E-9 (Staff Support) has been modified as follows: The director of ~~leisure services~~ Parks and Recreation shall provide all required technical and administrative support for the Commission. (Ord. 2002-5, 2-5-2002).

Mr. Bishop noted that all of the aforementioned offices have been filled. In response to a question from Council Member Andersen, he indicated that there is no representation from the Monkey

Town Neighborhood. He reported that applications are available online. Mayor Pro Tem Jensen thanked Mr. Bishop for his efforts. Mr. Bishop informed the Council that the Beautification Commission meets the second Thursday of each month from 7:00 p.m. to 8:30 p.m.

Council Member Stanley referenced Item C under Removal and Vacancy and asked if there was a certain amount of time the Commission will take to search for representation within a given neighborhood prior to selecting someone from another neighborhood. Mr. Bishop indicated that they do not have not imposed a time limit. In the past, they have asked past Yard Winners of the Month to serve on the Beautification Commission.

ACTION: Council Member LeMone moved to adopt an Ordinance (2017-31) amending Title 2-2E “Beautification and Shade Tree Advisory Commission” of the Pleasant Grove Municipal Code by implementing a water conservation program, providing an avenue to elect a Secretary, Treasurer, Historian and other housekeeping changes; and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken with Council Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

Mr. Bishop briefly discussed the Water Conservation Pledge. He reported that the pledge can be taken by visiting www.conserve.plgrove.org. A bi-monthly drawing takes place as an incentive for taking the pledge.

C) TO CONSIDER FOR ADOPTION A PROCLAMATION DECLARING MAY 21, 2017 TO MAY 27, 2017 AS AMERICAN RED CROSS WEEK. *Presenter: Attorney Petersen.*

Attorney Petersen presented an overview of the above stated Proclamation. Based on the City’s policy regarding Proclamations to be considered, the Red Cross complies with the criteria for a nationally recognized organization that has performed significant service in the community and worldwide. Mayor Pro Tem Jensen read the proposed Proclamation.

ACTION: Council Member Stanley moved to adopt a Proclamation declaring May 21, 2017 to May 27, 2017 as American Red Cross Week. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

D) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-32) AMENDING TITLE 1 CHAPTER 7 “ELECTIONS” OF THE PLEASANT GROVE MUNICIPAL CODE TO COMPLY WITH RECENT CHANGES IN THE ELECTION LAWS OF THE STATE OF UTAH REGARDING CAMPAIGN FINANCE REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen indicated that the purpose of the proposed Ordinance is to come into compliance with recent changes made to the election laws in the State of Utah regarding Campaign Finance Regulations. The changes deal with defining anonymous contribution limits. The definition is proposed as \$50 or an amount less than \$50 that is specified in an ordinance of the municipality and is from a donor whose name is unknown.

The other changes clarify details in the Campaign Finance Disclosure Statement. The new requirements indicate that each candidate shall deposit a contribution in a separate campaign account in a financial institution. They may not deposit or mingle any campaign contributions received into a personal or business account. Furthermore, in a year in which a municipal primary is held, each candidate who participates in the municipal primary shall file a Campaign Finance Statement with the Municipal Clerk or Recorder no later than seven days before the primary election. A Campaign Finance Statement required under this section is considered filed if it is received in the Municipal Clerk or Recorder's Office by 5:00 p.m. on the date it is due.

Under Section 1-7A-3: Contents of Campaign Finance Statement, the following changes have been made:

Each candidate shall deposit a contribution in a separate campaign account in a financial institution; and may not deposit or mingle any campaign contributions received into a personal or business account.

A. Seven Days Before Election (For Candidates Who Run in The Primary and General Election):

The Campaign Finance Statement shall be filed no later than seven (7) days before the municipal primary and general election shall include:

- Report all of the candidate's itemized total:
 - Contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
 - Expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
- Identify:
 - For each contribution, the amount of the contribution and the name of the donor, if known; and
 - For each expenditure, the amount of the expenditure and the name of the recipient of the expenditure;
 - Or report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign. ...

4. 2... Within thirty (30) days after receiving a contribution that is cash or a negotiable instrument, exceeds the ~~reporting limit~~ anonymous contribution limit and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:

- The Treasurer of the State or a political subdivision for deposit into the State or political subdivision's General Fund; or
- An organization that is exempt from federal income taxation under section 501(c)(3), Internal Revenue Code. (Ord. 2015-19, 5-26-2015).

Mayor Pro Tem Jensen asked if the aforementioned changes will be reflected in the packet distributed to the County. Attorney Petersen answered in the affirmative. Council Member Stanley asked if all of the changes were mandated by State Law. Attorney Petersen answered in the affirmative.

ACTION: Council Member Stanley moved to adopt an Ordinance (2017-32) amending Title 1 Chapter 7 “Elections” of the Pleasant Grove Municipal Code to comply with recent changes in the election laws of the State of Utah regarding Campaign Finance Regulations; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

E) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-033) AMENDING FEES FOR COMPILING, FORMATTING, MANIPULATING, PACKAGING, SUMMARIZING, CERTIFYING OR TAILORING RECORDS UNDER PLEASANT GROVE CITY’S GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA) POLICY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen stated that the current fees for GRAMA requests were adopted in 2003. There have been a significant number of GRAMA requests received over the past year, which has significantly impacted staff’s time. State Code used to specify that the first 20 minutes of staff time was free. However, it now specifies 15 minutes. Therefore, staff is proposing that the City’s Resolution align with the new State requirement. The City used to charge \$10 per hour over the first free time increment. They are now proposing this rate be increased to \$12.50 per hour.

State Code prohibits the City from charging the true cost of staff time spent responding to GRAMA requests, in that it states they can only charge the hourly wage of a staff person qualified to respond. It does not consider the time administrative staff spends responding to requests. State law does not require the City to create a record; however, the City has received GRAMA requests to compile or format information in a manner that it is not normally recorded in the course of business. State law allows the City to charge for providing records in an alternate format.

Council Member Stanley had heard concerns regarding the number of GRAMA requests involving citizens who want to obtain a copy of a document presented at a Council Meeting. He noted that this tends to reduce the amount of transparency in the City and makes the process costlier and more time consuming for citizens to obtain certain documents. The proposed cost increases were justified. However, there is also value in making sure that as a City they are trying their best to ensure transparency in terms of making documents from public meetings available.

Administrator Darrington reported that staff suggested there be official policies in place whenever there is a document request. The intent is for an attorney to review it to determine if any information needs to be redacted. It was understood that residents have the right to request this type of information. Since there are costs incurred by the City in meeting these requests, they are updating their policies accordingly.

ACTION: Council Member Andersen moved to adopt a Resolution (2017-033) amending the fees for compiling formatting, manipulating, packaging, summarizing, certifying or tailoring records under Pleasant Grove City's Government Records Access and Management Act (GRAMA) Policy; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting "Aye". The motion carried unanimously.

11) ITEMS FOR DISCUSSION

A) DISCUSSION AND DIRECTION FROM THE COUNCIL REGARDING EDCUTAH MEMBERSHIP. *Presenter: Administrator Darrington *Continued to June 6, 2017.*

12) REVIEW AND DISCUSSION ON THE JUNE 6, 2017 CITY COUNCIL MEETING AGENDA

The agenda for the above stated meeting was briefly reviewed and discussed.

13) NEIGHBORHOOD AND STAFF BUSINESS

Director Young commended Mr. Cardenas for his work in the Community Development Department. He also reported on a conference he recently attended. Director Giles reported that last week TestOut helped plant flowers. Library and Arts Director, Sheri Britsch, reported that there was high attendance at the most recent special event. Administrator Darrington reported that he and Attorney Petersen will be meeting with the Historic Preservation Commission to discuss their role in the City. He also noted that he met with Attorney Petersen, Chief Smith, and Director Giles to discuss the City's Bow Ordinance. They recommended leaving the ordinance as-is.

14) MAYOR AND COUNCIL BUSINESS

Council Member Andersen expressed gratitude for the generous donor who will be paying for the Library elevator. Council Member Stanley reported that later this week he will be attending the Utah Taxpayers Association Conference. He also announced the meeting of Rotary Club next week. Mayor Pro Tem Jensen echoed Council Member Andersen's remarks. He also commented on the number of patrons at the Library.

15) SIGNING OF PLATS

There were no plats signed.

16) REVIEW CALENDAR

There were no additional calendar items.

17) ADJOURN

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

The meeting adjourned at 8:07 p.m.

The minutes of May 16, 2017 City Council meeting were approved by the City Council on June 20, 2017.

Kathy T. Kresser, City Recorder, MMC

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