

AMERICAN FORK CITY  
COUNCIL MEETING MINUTES  
APRIL 2, 2015

WORK SESSION

*The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.*

The American Fork City Council met in a work session on **Thursday, April 2, 2015**, in the **American Fork City Offices, 51 East Main Street**, commencing at **3:30 p.m.** Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor.

City Administrator Craig Whitehead  
City Engineer Andy Spencer  
City Recorder Richard Colborn  
Finance Director Cathy Jensen  
Legal Counsel Cherylyn Egner  
Library Director Colleen Eggett  
Parks & Recreation Director Derric Rykert  
Police Chief Lance Call  
Public Relations/Economic Development Director Audra Sorensen  
Public Works Director Dale Goodman  
Technology Director George Schade

Lela Bartholomew and former Councilmember Heidi Rodeback and a son

DISCUSSION OF A RESOLUTION APPROVING THE IMPLEMENTATION OF THE PARKS, ARTS, RECREATION AND CULTURE (PARC) TAX, AND THE POLICIES AND PROCEDURES THAT WILL GOVERN THE APPLICATION, SELECTION, DISTRIBUTION, AND ACCOUNTING OF FUNDS – Derric Rykert

Resolution

Derric Rykert explained that the PARC Tax started to be collected yesterday. He reviewed the Resolution noting that this Board did not distribute funds nor allocate funds but their purpose was to advise the City Council. It was anticipated to have seven members on the Board.

Councilman Taylor suggested that they add a 3.b. that provided for a representative from Parks, one from Recreation, and one from the Arts and four citizens at large. The purpose in his mind was that those three persons have a better than an applicant read through knowledge of the Parks, Arts, or Programs and could speak objectively and intelligently about those items and help the Advisory Board understand past history or why those things were coming forward more so than just having an application before them. Everyone that he talked with he told them that was the way it was going to be.

Councilman Shelton asked about adding a 3.c. for Culture.

Craig Whitehead commented that you could not have someone from say the Recreation Committee on this Board as they would be applying to themselves. They needed to be careful about a conflict.

Councilman Taylor saw the Recreation Department applying for the grant but not the Recreation Committee.

Councilman Shelton commented that by State Law someone would have to declare the conflict and decide to recuse themselves or not. Conflicts existed everywhere.

Councilman Taylor had confidence that with seven board members, if there was someone who recused themselves, the additional six board members could look at it objectively and move forward. He thought that each grant applicant would come and present to the Board. About adding one for Culture, Culture to him could be Arts and Culture to someone else could be recreation or athletics or whatever. Culture was there in Parks, Arts, and Recreation. He always pictured the largest part of the Board being at large citizens.

Mayor Hadfield thought that that there were any number of things that could qualify under Culture including some of the programs offered at the Library and Education Center, Daughters of the Utah Pioneers Museum, and American Fork Historic Preservation.

Councilman Shorter thought that Culture embodied them all.

Lela Bartholomew liked what Councilman Taylor suggested in having the group come in and present to the Board.

Craig Whitehead felt that would be up to the Board as to how to review the applications. With regard to conflicts, they would come up.

Councilman Bowen thought that a conflict would be the exception and not the rule.

Councilman Shelton expressed that a conflict was minimal because they had no decision making authority.

For the Arts person, Councilman Taylor noted that the Timpanogos Arts Foundation was not American Fork City. He expected the Parks and Recreation appointments to be recommended by Derric Rykert. He would concentrate on putting together the best possible Board he could. We should trust the members of the community. He did not know how the Arts person would be recommended.

Craig Whitehead explained that the concern was getting people of integrity and above reproach, then questions pretty much went away.

Mayor Hadfield stated that the Council still had the final say when it came to funding for the final projects.

Ms. Sorensen noted that choosing persons from an application was tough. Was this Board going to be a recommending body or a lobbying body?

Councilman Shelton expressed that the reason to put someone on the Board was not to lobby but for them to provide their experience.

Councilman Taylor felt that the Council needed to choose a group of integrity. He was perfectly okay with having Derric Rykert recommend someone from Parks and someone from Recreation and he was fine with having Lela Bartholomew or Dr. Callahan choose someone from the Arts. It was in the best interest of everyone to have those three areas represented.

Mr. Whitehead stated that it was the Mayor who appointed Committees.

Councilman Shelton thought they should keep it somewhat broad and applicants should have experience in that background.

Councilman Taylor would like to review the names prior to their being appointed.

Councilman Frost commented that when a person was chosen for one of those three positions they needed to know that they fell under that particular slot. They would need to be team players.

Councilman Taylor stated that a very clear Charter for what the Board did needed to be created. He thought that the applicant base could be expanded. A person should not be excluded if they also sat on a committee. Councilman Shorter agreed with that.

Mayor Hadfield was happy to present names. He was happy for the directors of these areas to look at the names already submitted and to see what their comfort level was. He was happy to recommend nine or ten names and have the Council choose from them. He had applications that he felt were there for the wrong reasons.

Councilman Shelton suggested that the safety valve in all of this was that they had no ability to appropriate funds. They were purely advisory. He asked if anyone else had concerns.

Councilman Taylor hoped that any advisement from the Board came by way of a full majority vote. If there were only five people one night there should be some mechanism to get a full vote of the advisory Board brought to the City Council. Seven votes with the majority going forward.

Councilman Shelton noted that the Planning Commission has alternate members and suggested that could be used here.

Councilman Taylor thought that was an okay way but would not be his favorite way. The Planning Commission had some very strict things that were followed. If the Alternates attended all of the meetings, then it would probably work.

Mayor Hadfield added that with sufficient notice, unless there was an emergency, there was no need for someone to miss a meeting.

Councilman Shelton asked if they wanted to specify when they would meet, annually or semi-annually.

Mayor Hadfield thought they could even meet quarterly because the funds would be coming in quarterly. On any other committee a meeting was at the call of the Chair and the committee elected the Chair.

Mr. Whitehead thought that would be a good thing to spell out in the Charter.

Mr. Goodman observed with awarding a grant too late in the year, it may not be able to be done for another six months.

Mayor Hadfield stated that he liked it when there was skin in the game. It may be in the form of cash or labor. When there was skin in the game the project was usually successful.

Mr. Whitehead added that when a grant was provided they had to account as to how it benefitted the citizens.

Councilman Taylor asked what if the Board would meet quarterly. What if during that time "X" amount was allocated and then not needed. What if there was no grant worthwhile of any funds. They should not be given just because no one else applied. He felt they needed to meet no more than quarterly.

Councilman Shelton suggested that they meet once a year in March. That would then give the City the ability to allocate their budget if something was needed but not funded by a PARC Tax grant.

Mayor Hadfield liked quarterly. He felt that once a year was not enough because there were opportunities that came up. There were opportunities for savings and opportunities for other grants to come in.

Councilman Shorter also felt that once a year was not enough.

Councilman Taylor stated that the Citizens voted for this and it was the citizens' dollars. They were helping to facilitate what the residents wanted. He felt it was folly to say that it was once a year and not the way to roll.

Mr. Whitehead explained that these were competing grants and needed to be looked at altogether.

Councilman Frost asked if there was a sweet spot they could arrive at in the grant process.

Councilman Taylor thought that maybe a spring and a fall review could work.

Mayor Hadfield thought it might be appropriate that their meetings be at the call of Chairman but no less than quarterly.

Councilman Taylor felt that it would be better at no less than twice a year.

### Policies and Procedures

Mr. Rykert explained that these funds were limited in use.

Councilman Shelton liked the idea of matching funds and suggested that those with matching funds be provided some priority. There also needed to be language in there that this was representing the 26,000 residents of American Fork.

Cherylyn Egner asked if this would be something on the application or the Policies and Procedures.

Mayor Hadfield thought it should be in the application.

Councilman Shorter thought it should be in the Policies and Procedures.

Councilman Shelton felt it should be in both places.

Councilman Taylor wanted to see it just on the application.

Councilman Shelton expressed that there was much more energy from a proposal that had matching funds.

Ms. Bartholomew stated that some of the smaller Arts organizations would find getting a matching grant very difficult.

Councilman Shelton wanted to see some kind of accountability included in 9.0.

Councilman Taylor was reticent to put any kind of matching grant wording other than on the application. Councilman Shorter agreed.

Councilman Frost was fine with just having a slot on the application to explain any matching funds.

Mayor Hadfield would like 9.1 to be expanded to include pictures, diagrams, statements, etc.

9.1 "Each recipient of PARC Tax funds shall be required to submit a yearly evaluation report detailing how it expended the funds received."

Mayor Hadfield continued that he did not want to pay the Symphony big dollars so they could hire a big league conductor to fly in to lead a concert.

Councilman Shelton wanted to see receipts also. Mayor Hadfield agreed.

Councilman Bowen wanted to have a full accounting to the penny.

Ms. Egner added that the City was required to spend all of the funds each year. If funds were returned the City was obligated to spend them immediately.

Mayor Hadfield asked if they were okay with the uses and organizations; architecture, arts, dance, folk art, history, humanities, literature, visual arts, music, --

Councilman Bowen stated that he was not okay with any of them, but that was already known.

Mr. Rykert thought it was important that the applications considered be in line with the Strategic Plan of the City.

Councilman Taylor asked how it was to be determined who filled the Arts seat.

Mayor Hadfield responded that he could meet with Ms. Bartholomew and review the applications.

Councilman Shorter commented that it was important that they have experience in those fields.

Mayor Hadfield planned on putting this item on the April 14 City Council agenda for action. Then on April 28 he would make those appointments.

Councilman Frost asked if they would need to follow Roberts Rules.

Councilman Shelton thought they would be like any other City Committee and subject to the Open and Public Meetings Act.

#### DISCUSSION OF A MOBILE FOOD BUSINESS ORDINANCE – Audra Sorensen

Mayor Hadfield asked if at the last meeting they had solved to the satisfaction of legal counsel the definition of a Food Truck.

Audra Sorensen reported that Kasey Wright had made changes including the definition of a Food Truck to include a trailer.

Cherylyn Egner spoke to some of the further changes. Under License Application sections D and E regarding background checks were eliminated. She discussed Indemnification and Hold Harmless Agreements.

Councilman Shelton maintained that even with those types of agreements, the City could still be sued.

Councilman Bowen asked that without this Ordinance if Food Trucks had the right to operate on the public right of way.

Ms. Egner answered that currently they could.

Councilman Bowen asked if the City was adding risk by regulating it.

Ms. Egner responded that the City was opening itself up to liability because they were not regulating Food Trucks right now.

Councilman Taylor stated that he did not see that there would be many scenarios that Indemnification would come into play

Ms. Egner thought that it sounded like the Council wanted the Indemnification out of there. However, a majority of the Cities have that in there. This Ordinance was about the same as the one in Provo. It was a provision that allowed the City to protect itself against something they could not even think of right now.

Councilman Shorter noted that they could always add it back in.

Councilman Frost did not think it cost them any more money to have that language in there.

Mayor Hadfield asked if there were any other items of concern.

Councilman Shorter asked why the penalty was a Class B where you were making them a criminal. He suggested that it be an infraction.

Councilman Bowen thought the penalty was too harsh also.

Councilman Shelton asked what the penalty was for operating any other business without a license and that it ought to be the same.

Ms. Egner reported that it was a Class B misdemeanor. It could go to an infraction.

Councilman Taylor was cool with it being an infraction and then the next time a Class C.

Ms. Egner discussed the background check.

Chief Lance Call stated that the template for this Ordinance came from Provo City. He did not want the Council to think that was something that AFPD had begged for. When he first saw that he said that the City should not have to shoulder the expense for those background checks, if they were going to require them. If it was the Council's feelings that they did not want to have background checks, he did not have a problem with that at all.

Chief Call continued that he thought the logic of it was that it was a transitory business. It was a business on wheels just like the ice cream business. That was the logic. One thing at the last work session that was mentioned by Mr. Terry (Waffle Love Food Truck) was that a significant number of his employees were high school students and they could not get background checks anyway; they were exempted.

Chief Call added that one could order a background check over the Internet on BCI's Website. He thought it was around \$25.

Councilman Shorter did not think a background check was necessary.

Councilman Frost was fine with it being removed as were Councilmembers Taylor and Shorter.

Ms. Egner would have all reference to a background check removed from the Ordinance.

Councilman Shelton asked about an individual that was known to have a criminal background. Could that person be denied a license? He felt that an administrative records check be left in the Ordinance.

Ms. Egner asked if it should be left up to the City if they wanted to run a background check.

The Council wanted that option.

Chief Call explained that those persons had a right to do business. If they had charges against them they would be in jail. He was a little nervous to take the position that they were going to deny a license based on past history.

Councilman Shelton felt that if they knew there was a problem they had legal recourse to pull the license.

All background checks would be removed from the Ordinance.

Councilman Frost asked if the City was ready and prepared to monitor their insurance and paperwork.

Ms. Sorensen responded that Steffanie Cottle was aware and prepared to handle that.

Mayor Hadfield would have this on the April 14 Council Agenda for action.

PRESENTATION AND DISCUSSION ON THE IMMEDIATE NEED WITHIN THE PUBLIC WORKS STREETS DIVISION TO REPLACE ITS 2003 LEEBOY PAVER – Dale Goodman

Mayor Hadfield was excused from the meeting at 4:56 p.m. Mayor Pro-tem Councilman Clark Taylor assumed the Chair.

Dale Goodman explained that they saved a lot of money by having a paver in house. The current paver was at the end of its useful life and would require a great deal of repair to make it through another year. They would rather put that money toward a new paver. They would approach this purchase with CATE Equipment. CATE would allow the City to rent the paver immediately and the three months' rent would be applied toward the purchase. There were about six projects already slated and with doing them in house the savings would be about \$35,000. These smaller projects were usually more complicated projects.



Mr. Goodman continued that Lehi City went 50-50 on the purchase of the current paver and they were willing to go 50-50 on the purchase of this new paver. It was housed a majority of the time in American Fork and the City had the crews that could operate it. They would finance the balance. Cathy Jensen would put it out to bid to get the best possible rate. He asked if there were any questions.

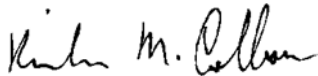
Mr. Whitehead noted that the money would come from B & C Road Funds.

Mr. Goodman reported that the City's half would total \$95,000.

Mayor Pro-tem Councilman Taylor stated that this would be put on the April 14 Council agenda for action.

#### ADJOURNMENT

The work session adjourned at 5:04 p.m.

A handwritten signature in black ink, appearing to read "Richard M. Colborn". The signature is fluid and cursive, with the first name "Richard" and last name "Colborn" clearly distinguishable.

Richard M. Colborn  
City Recorder