

WORK MEETING

Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 02/12/2015
Re: City Council Agenda Items for February 19, 2015

WORK MEETING Begin at 6:30 p.m.

Item 1 – Mark Smedley, Open Meeting Act Training: Two years ago, the City was made aware of the responsibility to provide annual training on Utah Code 52-4, Open and Public Meetings Act. Enclosed is a memo from Mark Smedley and a copy of 52-4-104 and 52-4-205 which outlines the requirement to provide training and the purposes of closed meetings. Mark Smedley, City Attorney, will review these sections with the Council to fulfill this requirement and answer any questions the Council has on this issue.

Discuss Replacement of 130 Feet of Sewer Line at 750 East Center Street: As Broadhead Estates Phase II construction commences, City staff has videoed a sewer line at about 750 East Center which has signs of failure. (See attached staff report from Bart Mumford) I have viewed the video which indicates that most of the concrete pipe joints have separated and that roots have gotten into the line in two or more locations. The contractor is anxious to get direction from the City so the project can begin. If the Council is favorable to the expenditure, the Council will need to formally amend the budget to approve the expenditure.

Update on Public Safety Building – Discuss Color of Window Frames: Bart Mumford will provide an update on the Public Safety Building project and Erin Holcombe, GSBS Architects, will be in attendance to discuss window frame color selection as the windows need to be ordered.

TAB 1

MEMORANDUM

TO: Mayor McDonald, Heber City Council and City Manager
FROM: J. Mark Smedley, Heber City Attorney
RE: Open Meetings Act Training February 2015
DATE: February 19, 2015

Open and Public Meetings Act – Quick Summary*

Utah Code Title 52, Chapter 4 *

This document is a summary of key provisions. See the specific provisions of the act for additional details.

Open Government:

- Government exists to aid in the conduct of the people's business
- Government must take actions openly
- Government must deliberate openly

Public Body:

- Body created by law, rule, or resolution; two or more persons; supported in whole or part by tax revenue; and has authority to make decisions regarding the public's business
- Public body does not include a political party, group, or caucus, and does not include the "rules committee" or a conference committee
- Specified body is not a public body but has at least three members, one of whom is a legislator (S.B. 113) Meeting
- Convening of a public body with a quorum present for matters under the body's jurisdiction or advisory powers
- All meetings are open to the public unless closed in accordance with the act
- Electronic information presented by an individual on an item on an agenda shall be provided to become part of the public record (S.B. 169)

Public Notice of Meetings:

- Not less than a 24-hour public notice is required (agenda, date, time, and place) – a 24-hour notice is required for meetings of specified bodies meeting on the Capitol Hill Complex

- Post the notice:
 - with the principal office of the public body
 - on the Utah Public Notice website
 - with at least one newspaper or local media correspondent

- Agenda must include topics with reasonable specificity to notify the public
- No final action can be taken on a topic not listed on the posted agenda

Meeting Minutes:

- Written minutes and an audio recording must be kept of all open meetings
- Written minutes must include: date, time, and place; members present and absent; record of votes; names of people providing comments and a short summary of comments; and other information regarding what occurred, as requested by a member
- Minutes must be approved by the public body, and pending minutes must be available within 30 days of the meeting (if it is a state public body)
- Recording must be complete, unedited, and properly labeled and available to the public within three days of the meeting

Emergency Meetings:

- The 24-hour notice may be disregarded for an emergency meeting
- Must give the best notice practicable, including time, place, and topics to be considered
- Must attempt to notify all members
- Majority of members must approve holding the emergency meeting

Closed Meetings:

- May only be held for certain specified items and, in most cases, requires a 2/3 vote to close
- A quorum must be present to hold a closed meeting
- Permitted closed meeting topics include:

- discussion of character, professional competence, or health of an individual;
 - strategy sessions for collective bargaining, litigation, water rights, or sale of real property;
 - security and criminal misconduct;
 - certain ethics complaints;
 - trade secrets (S.B. 179);
 - and certain procurement information (S.B. 179)
- A recording must be kept of a closed meeting with some exceptions

Electronic Meetings:

- A meeting convened through electronic media may only be held if the public body has adopted a rule or ordinance governing the use of electronic meetings (the Utah Legislature has adopted a rule -- see Interim Rule 3-1-105)
- For the Utah Legislature, the rule requires that a member be more than 50 miles away from the anchor location and requests the chair's permission at least three days before the meeting
- The chair must then determine if sufficient equipment and connections are available to allow remote participation and must also obtain permission from the President of the Senate and the Speaker of the House to hold an electronic meeting

52-4-104 Training.

The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.

52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:

(a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions to discuss collective bargaining;

(c) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:

(i) disclose the appraisal or estimated value of the property under consideration; or

(ii) prevent the public body from completing the transaction on the best possible terms;

(e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:

(i) public discussion of the transaction would:

(A) disclose the appraisal or estimated value of the property under consideration; or

(B) prevent the public body from completing the transaction on the best possible terms;

(ii) the public body previously gave public notice that the property would be offered for sale; and

(iii) the terms of the sale are publicly disclosed before the public body approves the sale;

(f) discussion regarding deployment of security personnel, devices, or systems;

(g) investigative proceedings regarding allegations of criminal misconduct;

(h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;

(i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);

(j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;

(k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;

(l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102;

(m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:

(i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;

(ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Controversies and Protests; or

(iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;

(n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;

(o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:

(i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and

(ii) the public body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process; or

(p) a purpose for which a meeting is required to be closed under Subsection (2).

(2) The following meetings shall be closed:

(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);

(b) a meeting of the Child Welfare Legislative Oversight Panel to:

(i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or

(ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5); and

(c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law.

(3) In a closed meeting, a public body may not:

(a) interview a person applying to fill an elected position;

(b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or

(c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

TAB 2

HEBER CITY CORPORATION

ENGINEERING STAFF REPORT

MEETING TYPE:	Council Work Meeting	MEETING DATE:	February 19, 2015
SUBMITTED BY:	Bart L Mumford	FILE NO:	06020
APPROVED BY:	Mark K. Anderson		
SUBJECT:	BROADHEAD ESTATES 2 - CENTER ST SEWER LINE REPLACEMENT		

PURPOSE

To obtain Council approval to replace a section of deteriorated sewer line in Center Street in conjunction with the Broadhead Estates 2 Subdivision.

RECOMMENDED ACTION

That the City Council: 1) amend the FY15 City budget to include an amount of \$24,000 for the replacement of a section of existing sewer main in Center Street, and 2) authorize staff to reimburse the contractor for the Broadhead Estates 2 subdivision to replace the existing main.

BACKGROUND/HIGHLIGHTS

The Broadhead Estates 2 development, located at 750 East Center Street, recently began construction. A portion of this development ties into the City's existing sewer system in Center Street to the south. In preparing for this tie-in, Public Works crews videoed the existing sewer and found that it has deteriorated to the point where it needs replacement. The last 130 feet of the existing line that the developer will tie into is fouled with roots and pipe joints have settled. The City would like to take advantage of the developers contractor, who is already mobilized and working in the area, to repair the existing sewer and laterals. Attached is the estimated cost to complete the work.

FISCAL IMPACT

The current year budget will need to be amended to add \$24,000 for the construction and inspection from the Sewer fund.

LEGAL IMPACT

None

BD Bush Excavation

938 South Main St
 PO Box 225
 Pleasant Grove, UT 84062

Phone: (801) 785-2905
 Fax: (801) 785-0583

To: Heber City	Contact: Willa Motley
Address: 75 North Main Heber, UT 84032	Phone: (435) 654-2226 Fax: (435) 657-1160
Project Name: Broadhead Center Street Sewer Line Replacement	Bid Number: 15-0206
Project Location: 600 East Center St, Heber, UT	Bid Date: 2/6/2015

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	Traffic Control In 800 West - Temporary Lights	1.00	LS	\$1,600.00	\$1,600.00
	Core Cut Existing Manhole - Reconstruct Existing Trough	1.00	LS	\$1,200.00	\$1,200.00
	SS Install 8" Sewer Line - DR18 Green C900	130.00	LF	\$57.50	\$7,475.00
	Trench Import For Sewer Trench - Spread Native On Lots **Use As Directed By Engineer - Billing Based On Scale Tickets**	375.00	TON	\$12.00	\$4,500.00
	Re-connect Existing PVC Laterals	2.00	EACH	\$1,000.00	\$2,000.00
	Remove & Relay Existing Concrete Laterals	2.00	EACH	\$1,250.00	\$2,500.00
	Remove & Haul Off Existing Curb & Gutter	20.00	LF	\$7.20	\$144.00
	Provide & Place 30" Curb & Gutter	20.00	LF	\$20.00	\$400.00
	Replace Roadbase & Asphalt In Center Street	900.00	SF	\$3.50	\$3,150.00

Total Bid Price: \$22,969.00

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

BD Bush Excavation

Authorized Signature: _____

Estimator: _____

TAB 3

**There are no physical
materials for this
agenda item.**