

AMERICAN FORK CITY  
COUNCIL MEETING MINUTES  
JANUARY 9, 2014

WORK SESSION

ATTACHMENTS (2)

*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, January 9, 2014, in the American Fork Fire/Rescue Station, 96 North Center Street, commencing at 3:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Robert Shelton, Jeff Shorter, and Clark Taylor.

Staff present: Associate Planner Wendelin Knobloch  
City Administrator Craig Whitehead  
City Attorney Kasey Wright  
City Engineer Andy Spencer  
City Planner Adam Olsen  
City Recorder Richard Colborn  
City Treasurer Melanie Marsh  
Fire Chief Kriss Garcia  
IT Specialist George Schade  
Police Chief Lance Call  
Public Works Director Dale Goodman

Also present: Barbara Christiansen

ANNUAL TRAINING REGARDING OPEN & PUBLIC MEETINGS – Kasey Wright

This was moved to the second item.

DISCUSSION OF THE DECLARING TO BE SURPLUS APPROXIMATELY 4,200 SQUARE FEET OF CITY OWNED PROPERTY LOCATED AT APPROXIMATELY 800 NORTH 550 EAST IN CONJUNCTION WITH THE MARCY'S ORCHARD SUBDIVISION – Andy Spencer

Andy Spencer explained this proposed property exchange was in conjunction with the Marcy's Orchard Subdivision. This was anticipated at the time the City purchased the north part of the Goodsell property for expansion of Art Dye Park. The City would provide 4,265 square feet and in return receive 679 square feet. Also, in consideration of this property exchange the developer has agreed to install a 6-foot "Simtek" fence with a rock facing pattern, with a mow strip, along the common property line with the City, lots 3-18.

Mayor Hadfield commented that his was not a square foot for square foot exchange, but a value for value exchange.

Mr. Spencer continued that a new roadway would be provided into Art Dye a little further to the west of the present location and the ditch would be piped. There was to be parallel parking only. The present gate would be moved further to the south.

Councilman Shelton asked about the timing of construction.

Mr. Spencer responded that the original developer has sold to Woodside homes and they were ready to proceed. They have been told that the City would need to be able to operate the ballpark while construction was taking place. They had a couple of options in doing that. One was to build the east half of the road first and then move traffic over to it, or make the connection at the north end of 500 East. That was the developer's choice.

Councilman Taylor encouraged the connection at 500 East.

Mayor Hadfield stated that he had asked the public works director to place in the 2015 budget the placement of the bridge over the American Fork River at 980 North and a round-a-bout at the Art Dye Ballpark.

Councilman Bowen felt it was overkill to have two roads exiting onto 700 North. He would rather have one road that had a little more capacity and use the extra space for a little bigger park.

Mr. Spencer responded that the only problem with one road, and trying to get that many people out in a short time and even though they both accessed 700 North, the fact they you were able separate those queues apart meant a lot. He did not feel that one intersection on its own was a good planning tool.

Councilman Taylor commented that they had learned from the past twenty years that it was not.

Councilman Bowen asked if the City was ever going to make the west access over the river.

Mayor Hadfield stated that the bridge would be in the 2015 budget.

Craig Whitehead added that they were going to construct more diamonds and have other events so there would then be more traffic.

Councilman Frost commented that in this process he hoped that initially they would improve the area through the grove of trees. The sidewalk stopped in a real bad spot.

Mr. Spencer replied that ultimately it would not stop there but they would have the ability to really open up that throat.

Councilman Shelton asked about the County's portion of money for the Art Dye Park.

Mayor Hadfield commented that he spoke with Commissioner Whitney today who stated that they had to go back and look at that.

## ANNUAL TRAINING REGARDING OPEN & PUBLIC MEETINGS – Kasey Wright

Kasey Wright conducted the Annual Training regarding Open & Public Meetings. The power point presentation is included in these minutes as **ATTACHMENT 1**. He noted that in determining who must comply, when it got down to some of the very small committees there was a gray area. However, his advice was that if there was a question, notice up the meeting.

### Question No. 1

Council members Smith, Jones and Brown are three out of the five members of the city council. All three belong to the Committee for the Preservation of Pink Chihuahuas, a local non-profit citizen's committee. Must their committee comply with the open meetings law?

No. It had nothing to do with the City.

Kasey Wright discussed the use of sending group emails. He did not think it was a violation of the law but maybe of the spirit of the law. He recommended against doing it as a group email if they were having deliberations thru email. They would need to discuss it in two's. Individual answers to someone's questions were okay. Administrative items were okay.

Councilman Taylor suggested that in a group email asking a question, to respond to just the person sending the question and not to the whole group. Kasey Wright liked that approach.

### Question No. 2

All five members of the city council convene at Mayor Hadfield's house for a summer barbeque. In between sampling the Mayor's (in)famous spicy bean dip and taking shots of 2% chocolate milk, the members start discussing the need for a new city outdoor splash pad. Is this discussion subject to the open meetings law?

Yes. The outdoor splash pad was not out of the realm of possibility. It could come before the Council.

Kasey Wright discussed Closed Meetings.

Councilman Taylor asked the ramifications if one of them left the closed meeting and decided it was their obligation or in the best interest of people to disclose that information.

Mr. Wright answered that it was a violation of their responsibility and duty as a councilmember. In the extreme it could result in expulsion from the Council for that violation of the public trust. Real harm could be caused to the City and members of the Council if that took place.

### Question No. 3

Which of the following is NOT proper for a closed meeting?

- A) To discuss Mayor Hadfield's recent appearance on American Idol singing Justin Bieber's "Baby" while dressed as a bologna sandwich?

- B) To strategize regarding a threatened lawsuit by the town of American Fork, Nebraska over naming rights?
- C) To vote on whether to install high resolution security cameras at the city administration building?
- D) To strategize regarding whether to purchase the Lindon boat harbor on Utah Lake?

C. You cannot vote in a closed meeting.

Craig Whitehead noted that in other communities they had an item about going into an Executive Session as a standard item on every agenda, whether they needed it or not.

Mr. Wright was against that. However, technically that was not illegal. The requirement was being met. He talked about posting and publishing. There was a need to notify the newspaper of the meeting or the local media correspondent. There was not a need to pay to have the agenda published. Public Hearing notices needed to follow any notice requirement specified in the Statute requiring the public hearing.

#### Question No. 4

The planning commission plans to meet on January 30th to take action on a proposed site development for a pink Chihuahua refuge in American Fork. On January 28th, the city posts notice of the meeting at the city administrative offices, on the state website, and in the local ward bulletins. Is this notice sufficient?

No. Notice was needed to the newspaper or the local media correspondent.

#### Question No. 5

The planning commission has recommended approval of a proposed site plan for a pink poodle refuge in American Fork, and the item has been placed on the agenda for the next city council meeting. There are no other agenda items. At the meeting, outspoken members of the Citizens for the Preservation of Pink Chihuahuas passionately describe the need for a pink Chihuahua refuge and lobby the council members to adopt a resolution to tackle the problem. After much heated deliberation between the council members, they vote to adopt the proposed resolution by a three to two vote. Is this legal?

No. The agenda item was a proposed site plan.

#### Question No. 6

After several months of speculation by scientists, the federal government solemnly announces that an anticipated alien invasion of earth will commence with a landing force in American Fork, Utah. On the day of the invasion, two hours before touchdown of the alien fleet, the city council calls an emergency meeting to discuss the orderly evacuation of the city. Is this legal?

Yes. It was an emergency.

Mayor Hadfield stated that it was not appropriate for Councilmembers to attempt to interfere with criminal investigations or prosecutions. That involved traffic citations.

Police Chief Call added that the way the Code was written was that “their mere solicitation for your help was a Class C Misdemeanor whether you respond to it or not.”

Councilman Taylor noted that it took a 2/3’s majority to go into a closed meeting and even if there was a dissenter, they were all under the same obligation.

Mr. Wright affirmed that if they went into the meeting, they were bound by all the requirements.

DISCUSSION OF THE AWARD OF A CONTRACT FOR THE 2014 CULINARY WATER LINE REPLACEMENT PROJECT PHASE 2 - CDBG TO SILVER SPUR CONSTRUCTION  
– Andy Spencer

Mayor Hadfield explained that CDBG stood for Community Development Block Grant. This was a grant that came from the federal government. American Fork City has identified a need for waterline repairs and this was one of many approaches they have taken for funding to replace 90 year-old waterlines that were defective. This was about the third stage on that work. The area for this work was on 100 South and 100 West.

Mr. Spencer added that this was a great opportunity to get that work done. This was done thru a formal bid.

Councilman Shorter asked about the work of the consultant.

Mr. Spencer explained that the consultant analyzed the bids for mistakes or exclusions, checked references, and provided a recommendation letter.

Councilman Bowen commented that the CDBG was money that was not budgeted.

Mr. Spencer responded that the City budgeted for the money to go with it. He did not know how the CDBG money was accounted for. It was on a reimbursement basis.

Councilman Bowen asked if the total amount on the bid was \$239,210.

Mr. Spencer explained that the base bid was \$239,210 and they had an alternate bid that they felt was a good price in the amount of \$78,360. They were requesting a 10 percent contingency of \$31,327 for a total bid of \$349,327. CDBG was paying \$197,962 and the City was paying \$151,365.

DISCUSSION OF DEVELOPMENT CODE CHANGES RELATING TO OFF-STREET PARKING WITH IN A MULTI-FAMILY PUD – Adam Olsen

Adam Olsen explained that this Development Code Text Amendment proposed to increase the driveway length in multi-family Planned Unit Developments (PUDs) from fifteen to twenty feet. This change harmonized the requirement across PUDs and inner block cottage developments and

would prevent cars from blocking the sidewalk or hanging over the curb when parked in front of the garage. The Planning Commission recommended this change.

Councilman Bowen asked if there was already an ordinance against blocking the sidewalk.

Mr. Olsen answered that there was a provision regarding that in the State Law. If there was more room it would be more unlikely to violate that unknowingly.

Councilman Bowen commented that in a PUD they were already pressing things together. That might be a burden on someone trying to do a project.

Mr. Olsen noted that these were still shorter. In a single-family residential zone, the setback was thirty feet. They recently had a multi-family PUD come through and they knew the City was going through this process and they felt that for them fifteen feet was too tight and they provided 20 feet.

Mayor Hadfield agreed that in Utah 15 feet was not enough.

DISCUSSION OF DEVELOPMENT CODE CHANGES RELATING TO THE LOCATION OF GARAGES AND DRIVEWAYS IN RESIDENTIAL ZONES – Adam Olsen

Adam Olsen explained that this Development Code Text Amendment proposed to harmonize location requirements for garages and driveways in residential zones with the standards of the American Fork City Road Access Management Manual. This was called Corner Clearance for Driveways.

Mr. Spencer stated that there were three conditions to look at. (See ATTACHMENT 2.)

Councilman Frost asked if this was going to catch a developer off-guard.

Mr. Spencer responded that it was all relative to single-family homes and was not really a whole lot of change from what they already had.

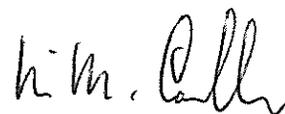
Mr. Olsen noted that this was not quite as rigid as the existing code.

Mayor Hadfield reminded the Council that there was a public hearing beginning at 7:20 p.m. Mr. Nielsen and a photographer would be there for a picture of the outgoing Council at 7:15 p.m.

Councilman Bowen suggested that any public hearings that they were going to have that the notices be placed in the City newsletter. He did not see the rush on things like that and the more people that knew there were surplus items, the more buyers the City would get and raise more money.

ADJOURNMENT

Mayor Hadfield adjourned the meeting at 4:45 p.m.



Richard M. Colborn, City Recorder



## Who must comply?

### Examples

- City Council
- City Council Advisory Boards
  - Planning and Zoning
  - Board of Adjustments
  - Project Committees

## Who must comply?

### Law does not apply to

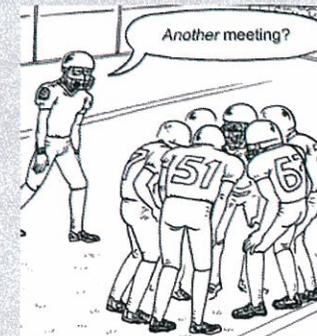
- Political parties, groups or caucuses
- Conference committees, rules committees, or sifting committees of the Legislature

## Question No. 1

- Council members Smith, Jones and Brown are three out of the five members of the city council. All three belong to the Committee for the Preservation of Pink Chihuahuas, a local non-profit citizen's committee. Must their committee comply with the open meetings law?
  - Yes
  - No

## Open Meetings

All "meetings" must be open to the public unless specifically allowed to be closed under the Act.



## Open Meetings

### What is a “meeting”?

- The convening of a public body, with a quorum president
- whether the meeting is held in person or by means of electronic communications
- for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power

## Open Meetings

### Examples

- Regular meetings
- Special meetings
- Workshops
- Executive Sessions
- Site Visits
- Traveling Tours

## Open Meetings

### Meetings do not include

- a chance meeting
- a social meeting
- a convening solely for discussion or implementation of administrative or operational matters if:
  - no formal action is taken or
  - the matters would not come before the body for discussion or action

## Question No. 2

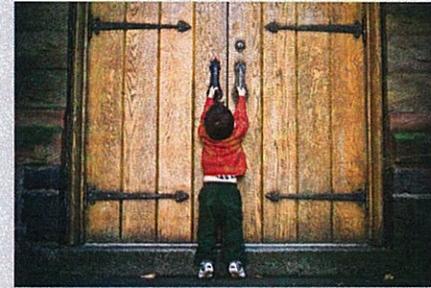
- All five members of the city council convene at Mayor Hadfield’s house for a summer barbeque. In between sampling the Mayor’s famous spicy bean dip and taking shots of 2% chocolate milk, the members start discussing the need for a new city outdoor splash pad. Is this discussion subject to the open meetings law?

## Open Meetings

### Electronic Meetings

- A public meeting convened or conducted by means of a conference using electronic communications
- A public body may not hold an electronic meeting unless it has adopted specific procedures for conducting it. These may include consideration of budget, logistics, presence of a quorum at an anchor location, vote to establish an electronic meeting, notice requirements, etc.
- Nothing restricts a member of a public body from transmitting an electronic message to other members of the public body at a time when the body is not convened in an open meeting

## *Closed Meetings*



## Closed Meetings

### For what purpose?

- A closed meeting may only be held:
  - To discuss the character, professional competence, or physical or mental health of an individual
  - Strategy sessions for:
    - collective bargaining
    - pending or reasonably imminent litigation
    - purchase, exchange, or lease of real property or water rights/shares
    - sale of real property or water rights/shares
  - To discuss the deployment of security personnel, devices, or systems
  - To investigate proceedings regarding allegations of criminal conduct
- May not do the following in a closed meeting:
  - Approve any ordinance, resolution, rule, regulation, contract or appointment
  - Interview a person to fill an elected position
  - Take final action (final votes must be open and on the record)

## Question No. 3

- Which of the following is NOT proper for a closed meeting?
  - A) To discuss Mayor Hadfield's recent appearance on American Idol singing Justin Bieber's "Baby" while dressed as a bologna sandwich?
  - B) To strategize regarding a threatened lawsuit by the town of American Fork, Nebraska over naming rights?
  - C) To vote on whether to install high resolution security cameras at the city administration building?
  - D) to strategize regarding whether to purchase the Lindon boat harbor on Utah Lake?

## Closed Meetings

### How do we close a meeting?

- The body must first hold a public meeting with proper notice
- A quorum must be present
- 2/3 vote of the body must vote to close the meeting
- The body must publicly disclose:
  - The vote by name of each member for or against entering into the closed meeting
  - The reasons for holding the closed meeting
  - The location of the closed meeting



## Public Notice of Meetings

### Public body must give notice

- Public body must give not less than 24 hours notice of each meeting
- Must also give notice of annual meetings scheduled in advance over the course of a year
- Public notices must include the following:
  - Agenda for the meeting
  - Date, time and place for the meeting
- Public notice shall be satisfied by:
  - Posting written notice
    - At the principal office or the building where the meeting will be held; and
    - On the Utah Public Notice Website
  - Providing notice to:
    - At least one newspaper of general circulation within the geographic jurisdiction of the public body; or
    - A local media correspondent

## Public Notice of Meetings

### Agenda

- The public notice must provide reasonable specificity to notify the public as to the topics to be considered at the meeting
- A topic raised by the public may be discussed during an open meeting, even if not included on the agenda
- However, except for emergency meetings, the public body may not take final action on a topic not listed on the agenda

## Public Notice of Meetings

### Exceptions – Emergency Meetings

- Regular notice requirements may be disregarded if:
  - Because of unforeseen circumstances it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature
  - Still required to give the best notice practicable
- May not hold an emergency meeting unless:
  - An attempt has been made to notify all the members of the public body; and
  - A majority of the members approve the meeting

## Public Notice of Meetings

### Public Hearing

The public notice for a public hearing must additionally follow any notice requirements specified in the statute requiring the public hearing.

## Question No. 4

- The planning commission plans to meet on January 30<sup>th</sup> to take action on a proposed site development for a pink chihuahua refuge in American Fork. On January 28<sup>th</sup>, the city posts notice of the meeting at the city administrative offices, on the state website, and in the local ward bulletins. Is this notice sufficient?
  - Yes
  - No

## Question No. 5

- The planning commission has recommended approval of a proposed site plan for a pink poodle refuge in American Fork, and the item has been placed on the agenda for the next city council meeting. There are no other agenda items. At the meeting, outspoken members of the Citizens for the Preservation of Pink Chihuahuas passionately describe the need for a pink Chihuahua refuge and lobby the council members to adopt a resolution to tackle the problem. After much heated deliberation between the council members, they vote to adopt the proposed resolution by a three to two vote. Is this legal?
  - Yes
  - No

## Question No. 6

- After several months of speculation by scientists, the federal government solemnly announces that an anticipated alien invasion of earth will commence with a landing force in American Fork, Utah. On the day of the invasion, two hours before touchdown of the alien fleet, the city council calls an emergency meeting to discuss the orderly evacuation of the city. Is this legal?
  - Yes
  - No

# Meeting Minutes and Recordings

## For open meetings

- Public body must keep written minutes and a recording
- Written minutes shall include:
  - The date, time, and place of the meeting
  - The names of members present and absent
  - The substance of all matters proposed, discussed, or decided by the body which may include a summary of comments made by members of the public body
  - a record, by individual member, of each vote taken by the public body
  - the name of each person who is not a member of the public body who provided invited testimony or comments to the public body
  - the substance, in brief, of the testimony or comments provided above
  - any other information that any member requests be entered in the minutes
- a recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment

# Meeting Minutes and Recordings

## For closed meetings

- Public body must make a recording of the closed meeting
  - Except for meetings to discuss an individual's character or to discuss security – in these cases the presiding officer shall sign a sworn statement affirming that these are the sole purposes for the meeting
- Public body may keep detailed written minutes that disclose the content of the meeting
- The recording and any minutes shall include:
  - The date, time, and place of the meeting;
  - The names of members present and absent; and
  - The names of all others present except where confidentiality is needed to preserve the purpose of the closed meeting

# Penalties

Are there penalties for violating the requirements of the Act?

- Any member of a public body who intentionally violates the closed meeting provisions is guilty of a class B misdemeanor
- A court can void any action taken in violation of the open meetings laws
- The public body may have to pay court costs and attorney's fees if successfully challenged in court on a violation

# Penalties

## Common violations

- Closing meetings without members of the body first voting in an open meeting to close the meeting
- Conducting a closed meeting for unapproved reasons
- Taking official or final action in a closed meeting
- Failing to properly provide notice of a public meeting
- Failing to provide adequate notice of a public meeting

## Executive Sessions

- The information discussed in executive sessions is confidential and may not be discussed outside of the meeting, including with:
  - Members of the public
  - Spouses, family members or significant others

## *Ethics*



## Ethics Disclosure

- Must give disclosures for:
  - Agreements to receive compensation to assist someone in transaction with city.
  - Interest in business regulated by municipality.
  - Interest in business entity doing business with municipality.
  - Any personal interest or investment that would create a conflict between personal interest and public duties.

## Ethics Gifts

- Must not use office for economic benefit (including loans at better rates or compensation at higher rates for services rendered)
- Must not use private or protected information obtained to further economic interest
- Must not accept gifts except occasional non-pecuniary gift having value of less than \$50.00

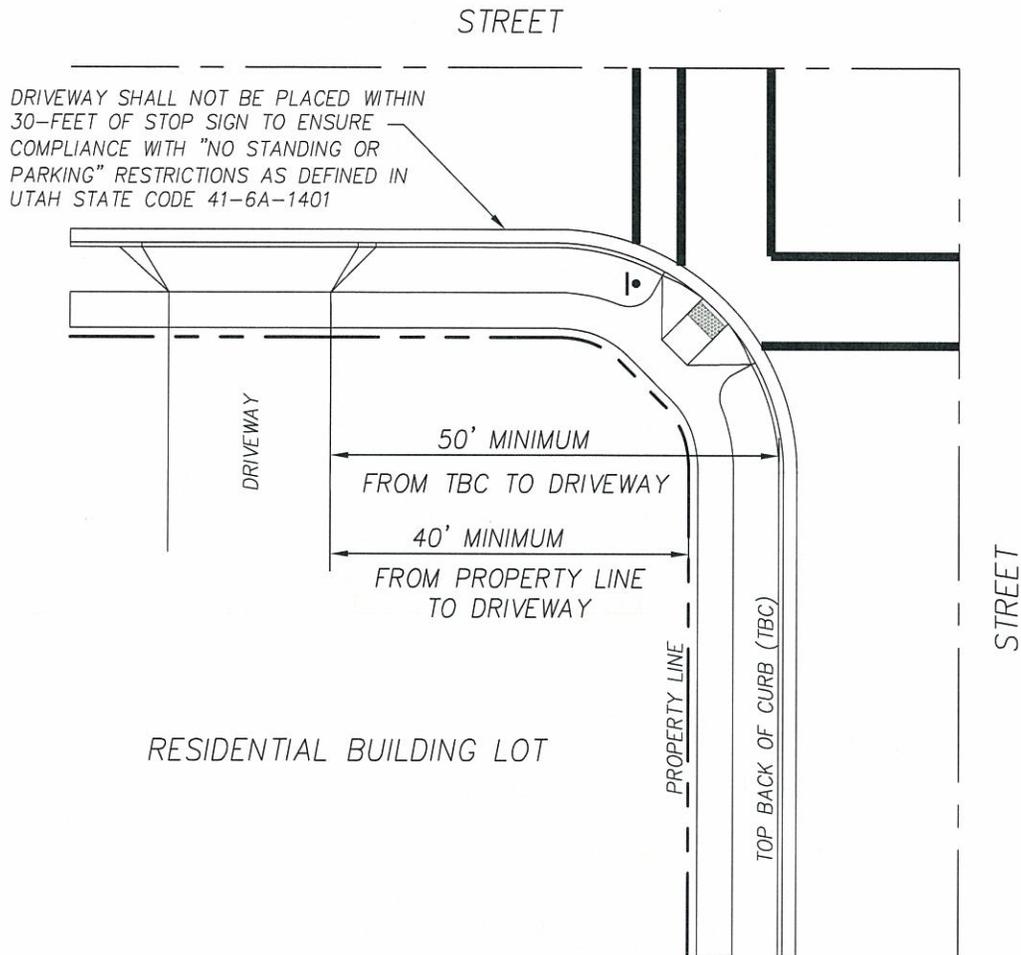
# *Civility Among Council Members*



## Civility Among Council Members

- Remember that you represent the people of American Fork City and should at all times act with dignity and respect
- Discussions and debates among council members should always remain civil and professional
- It is not appropriate for council members to attempt to interfere with criminal investigations or prosecutions

**FIGURE 17.5.110-B**  
 MINIMUM STANDARDS FOR:  
**CORNER CLEARANCE OF**  
**RESIDENTIAL DRIVEWAYS**  
 (SINGLE DWELLING DRIVEWAY ACCESS)



**NOTES:**

1. THE MINIMUM CORNER CLEARANCE SHALL BE MAINTAINED FOR EITHER STREET FRONTAGE OF A RESIDENTIAL LOT REGARDLESS OF LOCATION OF STOP SIGN OR OTHER CONFIGURATIONS.
2. THIS STANDARD SHALL APPLY TO BOTH PUBLIC AND PRIVATE STREETS.
3. IN ADDITION TO THE DRIVEWAY PLACEMENT RESTRICTIONS SHOWN HEREON, INTERSECTION CORNERS SHALL ALSO COMPLY WITH THE SIGHT DISTANCE REQUIREMENTS FOUND IN AMERICAN FORK CITY FIGURE 17.5.110-A/STANDARD DRAWING #15.41.
4. DRIVEWAY PLACEMENT SHALL BE THE GREATER OF: 50- FEET FROM TOP BACK OF CURB TO THE CLOSEST EDGE OF THE DRIVEWAY, 40- FEET FROM THE PROPERTY LINE TO THE CLOSEST EDGE OF THE DRIVEWAY, OR 30- FEET FROM THE STOP SIGN TO THE CLOSEST EDGE OF DRIVEWAY.
5. THE STANDARDS CONTAINED HEREON ARE FOR A SINGLE DWELLING DRIVEWAY. DRIVEWAYS PROVIDING ACCESS TO MULTIPLE DWELLINGS MAY REQUIRE INCREASED CLEARANCE.

FILE: \S:ENGINEERING...\CAD-DESIGN-FILES\AF-CITY-STANDARDS\DWG\DRIVEWAY-PLACEMENT.DWG  
 DATE: NOVEMBER 14, 2013

