

AMERICAN FORK CITY  
COUNCIL MEETING MINUTES  
NOVEMBER 19, 2013

SPECIAL SESSION

**ATTACHMENTS (2)**

The American Fork City Council met in a special session on Tuesday, November 19, 2013 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Heidi Rodeback, Brad Frost, Craig Nielsen, Robert Shelton, and Clark Taylor.

Staff present: Associate Planner Wendelin Knobloch  
City Administrator Craig Whitehead  
City Engineer Andy Spencer  
City Planner Adam Olsen  
City Recorder Richard Colborn  
City Treasurer Melanie Marsh  
Deputy Recorder Terilyn Lurker  
Economic Development Director Debby Lauret  
Finance Director Cathy Jensen  
Fire Chief Kriss Garcia  
Legal Counsel Tim Merrill  
Library Director Sheena Parker  
Police Chief Lance Call  
Public Works Director Dale Goodman

Also present: Planning Commission Chairman John Woffindent, David Rodeback, Barbara Christiansen, Councilman-elect Carlton Bowen, and 25 additional persons

Mayor Hadfield explained that this was the night to conduct the Canvass of the recent election and would also take the place of next Tuesday's meeting. He announced there would only be one Council meeting in December on the 10<sup>th</sup>.

Mayor Hadfield led the audience in the Pledge of Allegiance and Fire Chaplain David Laycock offered a prayer.

RECOGNITION OF THE AMERICAN FORK STEEL DAYS ROYALTY

Mayor Hadfield explained that Katherine Ellis was crowned the new Miss American Fork 2013 on Friday, July 12 along with her Attendants, Teysia Slater, 1st Attendant and Madeliene Knudsen, 2nd Attendant.

Katherine Ellis is a sophomore at the University of Utah, majoring in Communications. Her dream is to one day be an editor or journalist and travel the world writing for National Geographic. Her platform is "Supporting Cultural Diversity and Inclusiveness."

Teysia Slater is the daughter of Brad and Kim Slater and the 2nd oldest of four children. She graduated from American Fork High School in 2012 and is attending Dixie State University.

Her platform is “Giving Back to those who serve: United States Disabled Veterans.” Teysia was at Dixie State this evening and was excused.

Madeliene Knudsen is the daughter of Charles and Ruth Knudsen. She graduated from high school in 2012 with high honors and received dance, academic, and private scholarships. She is attending the Dental Hygiene program at Salt Lake Community College. Her platform is “Mentoring Children Dealing with Divorce.”

Mayor Hadfield congratulated the Miss American Fork Royalty and thanked them for their service during the 2013 Steel Days Celebration as well as the many other events they had been involved in since being crowned. There was general applause.

Mayor Hadfield recognized Miss American Fork Committee Chair Mindy Childs for her efforts each year.

Katherine Ellis thanked the Mayor and Council for the opportunity to serve in this program. She added that the growth and change in herself through being an Attendant last year and Miss American Fork this year has been tremendous. She hoped that the scholarships would be able to continue.

Mindy Childs bragged about this Royalty and their accomplishments. Katherine Ellis was at the University of Utah and was an Ambassador and has made a huge difference there. Madeliene Knudsen was one of the best Attendants ever. She was really trying to help people struggling with divorce. She thanked Melanie Marsh for her support and also Mayor Hadfield and the City Council. She added that this was a great program.

Madeliene Knudsen expressed her thanks for this program and the support from the community and its leaders. She thanked Katherine for her example and for being a good friend.

There was another round of applause.

TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER PERSON

Eileen Peterson expressed appreciation for the work the Mayor and City Council did for the City. She knew each one individually and had a great deal of respect for them. She spoke tonight regarding the issue of registering landlords. She was concerned with it because

- The \$50 fee was to be uniform, the same for someone that had 1 or 2 properties and one that had 100 properties. She did not feel it was uniform and that it was punitive for those with few properties. It should be equal and fair rather than uniform.
- It was not appropriate for government to have to register people on their private property. She felt the same way about guns or anything else they might want to register.
- The records needed were in the Clerk’s office at the County Courthouse. Most of the time the neighbors or the tenants themselves could make that information available to anyone who might need it.

Ms. Peterson hoped the Mayor and Council considered those things when it came time to act.

Mayor Hadfield explained that they have discussed this item long and hard. This proposal came to the Council by way of a committee of citizens that have worked on a number of things for many years in the community and it was also supported by the Chief of Police. Many properties were owned by persons out of state and were managed by someone who was difficult to find. There was a disproportionate share of difficulties with rental properties as compared to properties that were owner occupied. The County records show where the tax notice is mailed and many times it was an LLC in another state. It took hours and hours sometimes to track down someone local. He recognized that this was a long reach but was necessary in some areas to continue the quality of life in American Fork. There were those that did not keep a handle on their property and the police had to become involved.

Mayor Hadfield added that during this item on the agenda there would be a presentation by David Rodeback of the Neighborhood Preservation Committee and also the Police Chief.

Virgil Peterson supported what his wife had previously said about the landlord situation. He had other concerns.

- He and his wife go walking on the fine trail that has been put together. A month or so ago all the garbage cans were removed. As he and his wife walk along they frequently stop to pick up garbage that they wished had not been left there. He asked that a garbage can or two be placed along the River Trail at 500 North and near 700 North.
- To get to the River Trail they walked west along 300 North. They quit doing that because there were obstructions in the sidewalk. There was one area where there was a 6-foot fence wrought iron fence put up abutting the sidewalk. When it was under construction he contacted the City Police Department but nothing was done and the fence was completed. The same lot had rose bushes along there that caused one to walk out and around.
- The laws that the City had for maintenance of yards and fence laws ought to be enforced.
- Mr. Peterson again expressed appreciation for the fine Trail System that they enjoyed. He encouraged that they maintained the trails a little more. This time of year there were still quite a number of people that used that trail. There was an area between 500 North and 700 North in which there were a lot of leaves in the shade that become slick when they get wet. It was just like grease yesterday morning and this morning. He suggested that they get blown off once in a while.

Mayor Hadfield responded that the City could do that.

Carlton Bowen agreed with the first citizen about the registration of landlords. He noted that the Mayor had said it was a long-reach but he thought it was an over-reach.

Mr. Bowen expressed gratitude for those who founded our community and settled this area. With Thanksgiving coming up he thought it appropriate to remember the many who had gone before and the many things that they had done that we benefit from.

Dave Hansen stated that he was tuned into the issue of landlord registration late last night and got a copy of it this morning. In general, he agreed with Mrs. Peterson. It did not readily appear to him exactly what benefit would be deemed by registering landlords. If there was

inappropriate activity at a home whether it was owner-occupied or a rental property the police go there and enforce the law no matter who owned the property. If the home was in such poor repair that it was an eyesore he thought there were ordinances in place for that as well and a fine could be levied there. The concept of saying if someone owned a certain type of property so they would put them on a registry and we charge them a fee and if they don't pay the fee then we can put them in jail for up to 90 days and charge them \$750, seemed to be farther than a long reach and a conservable overreach. They needed to address those that broke the law.

Mayor Hadfield stated that there would be a report later in the meeting from the Committee and the Police Chief.

Mike Burns stated that he had some good news and some bad news. The good news was that the registry already existed. As a landlord in American Fork City you cannot have your name, address, and phone number removed from utilities. You were on there as the primary responsible person, your contact information was there and American Fork City did not have a problem using that information since he has received automated phone calls from the City thru that number and that was the only way the City had that number. He felt that if a privacy policy was involved they should issue that and use the existing tools. If this was not going to be used for "predatory enforcement" then the City already had it.

Mike Burns continued that the bad news was if the City chose to move forward and implement this Ordinance, it would start as a simple thing but there would need to be someone to manage it and then some enforcement people. It had been said that the laws on the books were sufficient if they were enforced. He implored the Council to visit Provo City and their 27 employees that operated their zoning verification department. This was a Pandora's Box. If this was enacted it would be a fiscal disaster ten years down the road.

Mayor Hadfield expressed that not all landlords were reputable. Every month the City finds that properties were rentals and were stuck with the utilities that were not able to be tracked. He added that in society there were people that did not want to be found.

Mr. Burns responded that the registry would only be used by those that desired to comply with the law. If he had an illegal apartment, the last thing he was going to do was register it. That would have to be enforced with the laws already on the books. Registries only worked to harass those who complied with the law.

Harry Hansen stated that he was one of those not so good landlords as he had zoning violations in the past. He had worked on some of the nuisance properties where tickets had been given because the thistles were too high or the bushes were unsightly. Sometimes it was just because of being a little lazy and a lot of time it was because of the people that chose to live in this fine City were lazy. He disagreed with the registry. He felt that was overstepping the bounds. In order to take care of his zoning violations he had to take three days off of work and meet with the judge and the prosecutor for the City. It cost him quite a bit. He learned his lesson there. That was for a mother-in-law type apartment. He was told at that time that the City was working on grandfathering in some of the older homes that had apartments in them. He had not talked to a police officer who complained about not being able to find a landlord. He felt this was grossly overstated and they needed to look for other alternatives.

## CITY ADMINISTRATOR'S REPORT

Mr. Whitehead had nothing to report at this time.

## COUNCIL REPORTS

Councilman Nielsen had nothing to report at this time.

Councilmember Rodeback welcomed Barbara Christiansen who has been reassigned to the American Fork City beat for the Daily Herald. There was general applause.

Mayor Hadfield congratulated the American Fork High School Marching Band who finished 17<sup>th</sup> out of 100 at the Bands of America Competition in Indianapolis, Indiana, over the weekend.

Councilmembers Taylor and Frost had nothing to report at this time.

Councilman Shelton expressed that this was a busy time for him. The Chamber of Commerce held a Tri-Chamber meeting at the American Fork Holiday Inn Express. Executives of Twin Labs from New York were there who stated their appreciation and that they loved doing business in American Fork.

Councilman Shelton reported that on December 6 from 4:00 p.m. until 8:00 p.m., the Youth City Council will be having a community event at the Peppermint Place where kids can meet Santa Clause, play reindeer games, and have donuts, hot cocoa, and candy sticks. Those that attend are asked to bring a can of food to donate to the Food Bank.

Councilman Shelton expressed that he had the same thoughts that Mr. Bowen had regarding this time of year. He noted a few things. When the Pilgrims, including William Bradford, came over they did not leave the ship until they had all come to an agreement and that was the start of a community in America. They missed the mark of landing in Virginia and instead landed in Massachusetts. They needed to sacrifice together in order to survive. Today, we do not face the same challenges that they faced but we had the opportunity and obligations to appreciate our freedoms. We have running water that one just needed to turn on the tap and a sewer system available for that need. Many in the world even today do not have those types of freedoms. He appreciated his opportunity to serve.

## MAYOR'S REPORT

Mayor Hadfield and Councilman Taylor invited Lela Bartholomew to the front and presented her a check for \$26,400 as a grant from American Fork City on behalf of the Timpanogos Arts Foundation which is the seed money for the arts program in American Fork for the coming year. This started on July 1, 2013 and has come to the point that the Grant Application is completed and the work was done.

Mayor Hadfield read the names of those who were to receive Certificates of Appreciation.

- Paul Washburn, American Fork Arts Governing Board Chair
- Sydney Thomas, American Fork Arts Governing Board Member

- Shannon Magleby, American Fork Arts Governing Board Member
- Donald Ripplinger, American Fork Arts Governing Board Member
- John Miller, American Fork Arts Governing Board Member
- Jeff Woodbury, American Fork Arts Governing Board Member
- Sharon Greenwood, American Fork Arts Governing Board Member
- Leslie Callahan, American Fork Arts Governing Board Member
- Michael Callahan, American Fork Arts Governing Board Chair/Volunteer
- Pam Helmandollar, American Fork Arts Governing Board Member
- Debby Lauret, American Fork Arts Governing Board Ex-Officio Member
- Shauna Durrant, American Fork Arts Council Executive Committee President
- Sydney Thomas, American Fork Arts Council Executive Committee Vice President
- Lorrie Stark, American Fork Arts Council Executive Committee Secretary
- Cindy Holindrake, American Fork Arts Council Operations Committee - Costumes
- Paul Dunkley, American Fork Arts Council Operations Committee – Technical Director
- M. Ryan Taylor, American Fork Arts Council Program Manager – Children’s Choir
- Cindy Bechtold, American Fork Arts Council Program Manager – Humanities
- Scott Livingston, American Fork Arts Council Program Manager – Writing
- Maxine Steele, American Fork Arts Council Program Manager – Symphony
- Scott Twitchell, American Fork Arts Council Program Manager – Theatre
- Cheri Christensen, American Fork Arts Council Program Manager
- Shazelle Terry, American Fork Arts Council Program Manager – Wasatch Winds
- Jolene Carpenter, American Fork Arts Council Program Manager – Youth Theater
- Koreen Hansen, American Fork Arts Council Program Manager – Youth Theater
- Kim Welling, American Fork Arts Council Program Manager – Youth Theater
- Sydney Thomas, American Fork Arts Council Program Manager – Visual Arts
- Cathie Denney, Quilting
- Janice Mayne, Arts Advocate/Volunteer

Lela Bartholomew noted that these fine people were just the tip of the iceberg of those who keep the arts alive in American Fork. The grant from American Fork City was very much appreciated. She added that there were a lot of programs planned during December.

Councilman Taylor commented that a Certificate was hardly any kind of reward for the incredible work that they did. While they received a check for more than \$26,000 their heart and effort went far beyond the \$26,000.

There was general applause.

COMMON CONSENT AGENDA (*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda by the Mayor or a Councilmember and placed in the action items.)

1. Approval of the November 12, 2013 city council minutes.
2. Approval of the City bills for payment and purchase requests over \$1,000. Mayor Hadfield noted that there were no bills for payment as there was no Finance Committee meeting.

3. Approval of the authorization for the release of the Improvements Construction Guarantee and Durability Retainer and issuance of a Notice of Acceptance of the improvements for the project known as and/or subdivision recorded as Parker Heights, Plat "B" at 800 North 600 West in the amount of \$1,250. – *Andy Spencer*

**Councilmember Rodeback moved approval of Common Consent Agenda items No. 1 & 3. Councilman Taylor seconded the motion. All were in favor.**

### ACTION ITEMS

#### REVIEW AND ACTION ON THE ADOPTION OF A PROCUREMENT RESOLUTION – *Craig Whitehead*

Mayor Hadfield stated that they had discussed some changes in the finance and procurement processes and the function of the City Council. He noted Councilmember Rodeback had some changes. He asked for any discussion.

Councilman Shelton believed it was a great thing and a long-time coming and would be more efficient.

**Councilman Shelton move to adopt Resolution No. 2013-11-27R clarifying, updating and modifying the provisions of the City's purchasing policy and eliminating the City's Finance Committee, with Councilmember Rodeback's suggested changes. Councilmember Rodeback seconded the motion.**

Councilmember Rodeback added that she had served on the Finance Committee for six years, the last four as its Chairman. The roll of the Finance Committee has evolved from an appeal body which has now become an administrative function. In recent times the Finance Committee was simply an intermediary step in approving City bills that were ultimately approved by the City Council in full. The City Council would continue to approve purchases, receive detailed reports and have oversight over finances and be able to see that all purchases complied with the budget the City Council approved.

Councilmember Rodeback explained that her changes had to do with the City Council being concerned that purchases conform with the adopted City budget and the other was a clerical clarification.

Councilman Shelton noted that significant strides had been made in putting stronger procedures in place than what had been in the past.

**All were in favor.**

#### REVIEW AND ACTION ON AN ORDINANCE REGARDING LANDLORD REGISTRATION AND THE REGISTRATION OF RESIDENTIAL RENTAL DWELLINGS IN THE CITY – *Chief Call*

Mayor Hadfield invited Police Chief Call and David Rodeback to come forward and summarize some of the items suggested in the Ordinance.

David Rodeback, a member of the Neighborhood Preservation Committee, provided a power point presentation. It is included in these minutes as **ATTACHMENT 1**.

A gentleman asked why it would be required to contact a landlord or agent to control criminal activity.

Chief Call commented that he did not recognize any of the landlords present and that was a good thing. He thanked them for being responsible landlords and owners of rental properties. It was probably the property owners that were not here that was being talked about. Many times public safety, that is police, fire, and EMS, get into situations in which there was no responsible party to take responsibility of the property. From a police standpoint when a “no knock” search warrant was executed for a drug infraction, they will have rammed the door and everyone was taken to jail. There was no way to secure it. They needed to turn it over to a responsible party because the police was liable for that scene. That was the same that fire would run into after an incident or public works when there was a water leak. That was the problem that was trying to be addressed. The biggest problems were absentee landlords. He added that the people that were not in attendance were those that lived around those problem rentals that had to put up with it.

Chief Call stated that the information at the public record was not always correct or they were partnerships or LLC’s and there was not always a responsible person.

Mr. Rodeback explained that he had been having these discussions for a very long time and if those records were adequate, they never would have proposed this Ordinance. There were at least eleven cities in Utah that have proposed requiring landlords to have a business license with the usual business fee and then add a per unit fee. That was not the intent here.

Mayor Hadfield asked if there were any questions from the audience.

Sandra Hansen stated that it looked to her that most of the problems were caused by absentee landlords. There were a lot of landlords that were not absentees but lived in the City and were active in City affairs. They paid the water bills when people moved out. They were paying, continually. She did not think that this was necessary for local landlords.

Mr. Rodeback responded that they made the fee as low as they thought they could. They do not know who the local landlords and who the absentee landlords were. They don’t have the registry. They considered a one-time fee for registration.

Chief Call noted that there was a lot of discussion about that. Unfortunately, it was on the honor system if there was a change in ownership. When the police went about their business and they find a rental property that was not registered, they were not going to run right out and file charges. They were going to track the landlord down and send a notice that he was out of compliance. It was not adversarial from the police. They saw this as a benefit and a service to the landlord that the police could contact him if something happened to his property. A one-time charge would be nice, but the registry would never get updated. The Chief had the staff that could take this on. It was not going to mushroom into something else.

There was a discussion of a fee versus a tax. Councilman Shelton explained that a fee had to go to that particular thing. Taxes went to the general fund.

Mr. Rodeback added that one of the reasonable goals was to make it revenue neutral in the long-term.

Eileen Peterson asked how much money this would raise.

Mr. Rodeback answered that he did not know as they did not know how many landlords there were.

Virgil Peterson asked how the City was going to contact the landlords if they did not know who they were.

Mr. Rodeback answered that there were several ways they could contact the landlords including utility bills, tax notices, and they could still send the notice to LLC's, and place the notice on the City's website.

Danae Hansen felt there were other ways to accomplish the same thing without encroaching.

Councilman Shelton stated that it was important to look at this. As an elected official he represented the whole City. He went on a live SWAT hit with Chief Call. There was a problem in our community. It was a problem that we needed to be able to address. Looking at it as a whole, it was costing the taxpayer more to allow a landlord to operate and put a drag on City resources for their personal gain or profit. They could have gone the business license route. He thought this was a great compromise. He appreciated some of the comments and opened a discussion with the Council of a reduced renewal fee of \$15 to \$25 when nothing had changed.

Mr. Rodeback did not think that the Committee would object to that sort of a reduced fee.

John Woffinden stated that he lived next door to one of these prime rental units. At last count there were nine males and three females that lived there. The police had been there three or four times in the last two months. There had been two major drug busts. He and his neighbors were tired of living next to a frat house. One could smell the marijuana. The landlord lived in southern California. Parking was a disaster. The lawn had not been watered in weeks. There were four or five dogs there as well. The City had an Ordinance that said that there was to be no more than four unrelated individuals in a unit. Adjacent property owners had rights too. Right now his neighborhood was a dump. His property value has dropped.

Carlton Bowen commented that the things that Mr. Rodeback and the Chief and Mr. Woffinden were talking about were why there were existing public land laws where landowner information was maintained by the County and was public. He wondered if the Committee considered this being redundant to what the County was already doing as far as efficiency went. The only thing he heard as to why existing records could not be used was the emergency element, the timeliness element. If it was really important to have this information in an emergency he suggested that it be made voluntary. They already had the land records.

Mayor Hadfield commented that the County information did not have phone numbers.

Mr. Bowen asked if a phone number was required for due process.

Mayor Hadfield responded how else would contact be made in order have them take over the liability for the contents of that home.

Mr. Bowen stated that the landlord had already accepted liability. That was why they had homeowner's insurance.

Councilman Shelton explained that once the police knocked down that door, they were then liable. That home owner's insurance was not going to cover it. Now, as a taxpayer base and an electorate, the City got all of the liability until that owner could be found.

Mr. Bowen felt that was something that the courts and the police dealt with everyday.

Mr. Rodeback commented that those were good questions. There were immediacy issues in emergency situations. There was the cost to the taxpayer of having someone investigate for a week to find the owner versus looking it up in 30 seconds. Absentee landlords needed a local agent.

A gentleman wondered if they did not have the wrong solution. He worked for a software company. He was confident that with a team of five people, he could find every name and every address of every person that owned a parcel in the City within a week. He suggested looking at an outside source to gather this information and not use a mechanic to do a plumbers work. Look to people who do this type of thing.

Councilman Shelton asked what he estimated the cost would be to develop that.

The gentleman responded that it would probably be a small consulting fee of under a couple of thousand dollars.

Councilman Shelton stated that with the employment he had they were continually looking at different contact relationship software and they were looking at \$70,000.

The gentleman responded that they would not be looking at a whole list everywhere but only a few problem properties that were persistent problems. Every single address was not needed. He suggested that they solve the absentee landlords first.

Mayor Hadfield asked the Council where they wanted to go with this Ordinance.

Councilman Frost commented that he had been on one of those SWAT raids and it was horrible. As a City Councilman he believed that he received no less than 50 emails from surrounding property owners of that house. People were putting their houses up for sale over it. The police obtained the evidence they needed and obtained a no-knock search warrant. He had been thinking about the registration of landlords as a tool for dealing with bad things. The City ought to have tools like this.

Chief Call noted when the landlords were absent, once a tenant was approved to live there, he could have friends over and do whatever they wanted until the landlord was apprised of a negative situation. The local landlords did not have this type of problem because they were always checking on their property.

Councilman Taylor reported that he had some feedback on this issue from a couple of small business owners. The question to him was what was the difference between a landlord and a hair salon being run out of his home? He had to pay for a business license. Landlords had no responsibility. He asked if the Committee or others had a thought about that.

Mr. Rodeback answered that the statutory difference was that landlords were not required to obtain a business license. Logically, he was not sure what the difference was. Given that the landlords were not regulated before they did not want to go all the way to business licenses and inspections and all the administrative costs it would impose on the City and the additional costs to the landlords.

Councilman Shelton thought that it was very prudent by the Committee not to require a business license.

Councilman Taylor wanted to hear more about the difference. If someone was making money off of a rental or rental units, why was that different from someone running a small business? Both were paying property taxes.

A gentleman stated that the challenge that he had to the Ordinance was that bad actors were not going to register. They would still not get taken care of.

Another gentleman stated that he could invest in the stock market or in real estate. He was not an active business owner.

Dave Hansen stated that he had not had problems because he screened his tenants. When he bought additional property three weeks ago he did not buy in American Fork only because the way the utilities were portioned, it was less profitable for him. This additional requirement would cause good landlords to step away.

Councilman Shelton asked about going with a lower annual renewal fee

Councilman Nielsen liked the idea of a \$20 renewal fee.

Councilmember Rodeback was open to that knowing that they review their fee schedule periodically and that the fee could be updated up or down.

Councilman Taylor was okay with that move. Maybe that was the reward for those that were good landlords.

John Woffinden commented that he bought a home in American Fork 40 years ago. He could not sell it now for half of what he thought it was worth. Residents had an investment as well.

Councilman Taylor agreed.

Mayor Hadfield closed the public comment. He asked the Council where they wanted to go with Landlord Registration.

Councilmember Rodeback appreciated the discussion and comments.

Councilman Frost commented that whether an emergency was due to the tenant or natural causes it was in the best interest of the City to have a registry. For him, it was not all about law enforcement.

Councilmember Rodeback explained that she began working this issue 10 years ago as a resident of the Greenwood neighborhood where she saw nuisance problems pervasive throughout the area. There were good, law-abiding, contributing members of society putting their homes up for sale because of problem homes. Ninety-percent of those properties have been cleaned up in the last ten years. She ran on this platform eight years ago saying that she would get an Ordinance with teeth. This was not the first Ordinance enacted to do this. This was just one tool in that arsenal. This law was needed. They did solve problems for the future. She was raising children in this community and if that was not an investment, she did not know what was.

**Councilmember Rodeback moved to adopt Ordinance No. 2013-11-48 approving the newly created section of the American Fork Municipal Code 5.24.010 – 100, requiring owners of residential rental properties to register with the city, in order to obtain a Landlord permit to rent/lease residential properties in the City and that it be amended to show a \$25 renewal fee for properties with no changes from the previous year.**

Councilman Shelton appreciated the persons for coming out to discuss this topic. There was good conversation and good debate. He hoped that all could leave here tonight with no ill-will on both sides.

**Councilman Shelton seconded the motion.**

Councilmember Rodeback appreciated the discussion raised on both sides. She noted this was a conservative Council and felt this was the best way to move forward.

Councilman Frost commented that some of the discussion came by way of email. He received emails from both sides of the issue. He took all of them into consideration.

Mayor Hadfield commented that Mr. Bethers has served the community on the Beautification Committee and the Nuisance Abatement Committee and thanked him for his continued service and for his desire to make American Fork better.

**All were in favor of the motion.**

REVIEW AND ACTION ON THE AWARD OF A CONTRACT FOR THE 2013 SEWER IMPROVEMENT PROJECT TO NOLAN & SONS CONSTRUCTION – Andy Spencer

Andy Spencer explained that bursting was a method to increase sewer pipe capacity without having to dig up the pipe. There was an Alternate bid to address a failed pipe from a previous construction project.

Councilman Shelton complimented the staff and the Mayor for aggressively going after infiltration in the City's sewer system that was saving the City money.

**Councilman Shelton moved to accept the bid submitted by Nolan & Sons Construction for the construction of the 2013 Sewer Improvement Project in the amount of \$427,015, with a ten percent contingency allowance of \$42,700, for a total project budget of \$469,715 for the base bid, and authorize staff to proceed with the preparation of contract documents. Also, to accept bid Alternate #1 in the amount of \$223,813, with direction to staff that a separate Notice to Proceed should be served to Nolan & Sons Construction no later than January 3, 2014 at the discretion of staff, based upon the outcome of ongoing amicable negotiations with previous contract work. He asked to be informed as to how that worked out.**

**Councilman Frost seconded the motion.**

Mayor Hadfield explained that they had a 50-foot failure that was now in excess of 200 feet. They would be going against the previous contractor.

**All were in favor of the motion.**

Councilman Frost asked if it was the process that failed.

Andy Spencer responded that they faced substantial ground water in this area and because of that the product did not hold.

REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD'S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED

- a. Review and action on an Ordinance adopting an amended overall concept plan for Vintaro PUD Phase 1-A located in the vicinity of 650 South Utah Valley Drive in the PC-Planned Community zone – *Fieldstone Homes*

Adam Olsen explained that this was a request for an amended concept plan. The current approved plan was for 50 units. This request was to reduce the number of units to 30. There would be larger lots and fewer homes. The Planning Commission looked at this and some options and approved the plan that had a stub road extending to the east to property owned by the Vest Family.

Mayor Hadfield expressed that there was a problem with having only one access. A second access was needed as an accident, utility repair, waterline break could block that

one access and 30 residents could be inconvenienced. He asked if the developer concurred with that.

Fieldstone Homes representative Jason Harris stated that they were okay with the stub street concept, however they had one major concern which was that they would have to go to the adjacent landowner and get their permission to stub a street there. The approval of the project was then put into the hands of an adjacent landowner.

Mayor Hadfield asked about stubbing one to the north to 620 South Street.

Mr. Harris responded that the American Fork City Standards did not support stub roads to major arterial roads.

Mayor Hadfield asked Chief Garcia about what the Fire Code said regarding the number of homes before a second entrance was required.

Chief Garcia answered that it was 30.

Mr. Harris did not want the City to put a condition on Fieldstone Homes where Mr. Vest could determine whether or not they could develop this piece of property.

Adam Olsen explained that the only reason that was a condition was that the streets were to be private and not being public, there was no guarantee that the future residents of property to the east could even use these streets. The proposed street width was 47 feet.

Mr. Harris stated that the stub road was not a desire of theirs but of the Planning Commission and he thought of the staff as a whole. Fieldstone was okay with that, but not to put the adjacent property owner in the position of being the decision maker. As far as planning was concerned he thought it was an appropriate thing to create connectivity to adjacent communities.

Mr. Harris continued that the main purpose in coming before the Council at this time was that this plan was contemplated and executed based on there being a Master Developer in place. Now, the City Council was going to be faced with a bunch of different property owners. Fieldstone was at the front end of this. One of the challenges that they were presented with was the dedication of a 96-foot right-of-way for 620 South Street without compensation. That was a huge burden to them. When it was looked at over 150 acres it probably was not such a big deal but it was when it was five acres.

Mr. Harris added that the adjacent owner where the stub street would go was not part of American Fork City nor was part of the Annexation agreement. Staff has told them that they may have to develop the whole of 620 South Street. They did not think that was fair. In addition to this concept approval they would like the comments and the support of the Council to work with them on this in that they were giving a whole right-of-way with no compensation and asking them to improve the whole right-of-way on top of that. That was not reasonable.

Mayor Hadfield expressed that there certainly needed to be a waterline in 620 South because the project needed to have a fire loop created.

Mr. Harris answered that they had not gotten to the design stage but his opinion was that they did not, but they could loop it back thru the development to 600 East and have a feed from two directions thru one of the lots. They were asking that the City not require something that the City's Code did not outline.

Mayor Hadfield asked the City Engineer to come forward and address what would be required.

Andy Spencer stated that his direction to Fieldstone Homes was that they would have to put the minimum improvements in 620 South and they would have to loop their utilities. It was his interpretation of the City Code that 620 South was part of their project and would require the minimum improvements and they would be eligible for reimbursement of the oversizing of the lines and asphalt above the minimums. They have asked that the City consider assistance with the curb and gutter on the north side. Access on 620 South would be allowed on a right in, right out, basis.

Mayor Hadfield stated that RDA funds would be eligible on 600 East as that was a major access to the Utah Valley Business Park.

Mr. Harris stated that they were trying to abide by the Ordinance. The stub street was not necessary to develop this site, but they were willing to do it. Mr. Harris stated that he had written two letters to staff regarding sewer and water improvements on the north side of 620 South that have not been answered. Mr. Harris wanted the City to apply what the City Code said to their site.

Mayor Hadfield explained that he had some experience with this and understood the background on this piece of ground. For nine years the City has worked with this project called Vintaro. He understood what the Code said but he also understood that there were capacities in sewer lines. How did this affect those lines?

Mr. Harris responded that so far staff has lumped these things onto them with no reason for it. They had only asked simply that as they went through the design, if it was required they would deal with it. If it was not required they wouldn't.

Councilman Shelton asked if this was zoned Planned Community or was it outside that zone.

Mr. Harris answered that it was in the Planned Community zone.

Councilman Shelton thought that a broader concept was needed. The reason for the Planned Community zone was to make sure the City knew how that property was going to be developed.

Mayor Hadfield added that it was for the whole 130 acres.

Councilman Shelton commented that they were doing a spot of that tonight. He appreciated them coming in to develop the property because it needed to be developed. His worry was the future growth of that. This was five acres of 130 acres. He believed the Code said that if the Planned Community was not done the zone reverted back to a R1-12,000 zone.

Adam Olsen answered that was correct. The Council would be seeing more of these pieces coming forward as smaller pieces to the whole. There was no longer a Master Developer for the project and these smaller property owners did not want to develop it the way it was originally envisioned. They wanted to amend the concept plan for their area.

Councilman Shelton thought they were going in the reverse order. As he read the intent of the Planned Community, it was to be able to look at a big concept plan, understand it, and start developing it in phases. Unfortunately, that did not work out. The problem now was that they were deviating from the plan all over the place and they were working bottom up instead of top down. One-hundred acres were supposed to be developed as the big plan. His worry was that they were now doing a hodge-podge. This area had some deep roots and went back a long way. How was this going to be built out and be effective in its use.

Adam Olsen stated that was why it was before the Council. The Planning Commission looked at the original and felt that this plan had good potential. This was a lot less dense in this particular area.

Councilman Shelton commented that the questions was infrastructure and how it got all linked together.

Mr. Olsen noted that the minor roads were private and may be changed but the major roads were identified in the annexation agreement and those would not be deviated from.

Councilman Shelton continued that the City had a large, 100 acre plan and it knew how it was all going to play out, but now they were trying to connect the dots.

Mr. Harris asked for some clarification as to reverting back.

Mr. Olsen responded that the property was zoned Planned Community but if a certain property owner said that they did not want to be a part of that at all, take me out of this Planned Community, then it would revert back to R1-12,000.

Councilmember Rodeback added that was because the Planned Community was an Overlay Zone.

Mayor Hadfield asked Mr. Harris what kind of guidance that he had asked from staff that they hadn't responded to.

Mr. Harris stated that it was the right-of-way requirement as well as utilities in 620 South Street.

Mayor Hadfield noted that Kim Holindrake had sent a letter dated October 23. He asked Mr. Harris if he sent a letter since October 23.

Mr. Harris answered that he had. He continued that he felt this was a better concept than what had been previously proposed and that they were in line with the PC zone. He asked that his concept plan be approved; just not with the condition that the adjacent owner got to determine how they could develop the site and also that the City Council would participate in the improvements on 620 South.

Councilmember Rodeback asked where that condition was.

Mr. Harris responded that it was not in the ordinance but was communicated by staff.

Andy Spencer stated that the motion of the Planning Commission required participation of the adjacent property owner and continued through this concept plan approval. It was too early to determine the final participation expense. The reason for connecting the properties was because they did not want a battle with the adjacent property owner. There was an option to develop the site with a second access to 620 South. The developer preferred that their second road go to the east. The Planning Commission said that would work but an arrangement was needed with that property owner. Since that was a private street a fight in the future would like to be avoided.

Mr. Spencer addressed the concern that staff had not responded to Mr. Harris who he met with this morning. Mr. Harris has asked for a finding to see things his way. Staff had not seen it his way on the water and sewer. He asked for the City's legal counsel to interpret that. Mr. Harris wanted some "reading of the tea leaves" at this point but staff felt it was too early to make any commitments.

Mayor Hadfield commented that if the developer was not comfortable in putting a road to the east and working out something with Mr. Vest then it would need to be run to the north with a right in, right out on 620 South.

Andy Spencer explained that as part of the annexation agreement when this property came into the City, the City said these were the major roads and 620 South was laid out and agreed to by the property owners who annexed into the City.

Mr. Harris responded that all along they did not dispute 620 South.

Councilmember Rodeback understood the requirement for sewer but the line may not meet the capacity needs.

Mayor Hadfield asked if there were capacity in the 18-inch sewer on 600 East.

Mr. Spencer explained that the 18-inch line in 600 East was slated for upsize. Previously when this was looked at with the higher density there were concerns. They had not evaluated it based on 30 units.

Mayor Hadfield continued that the 18-inch sewer line was built by the Utah Valley Business Park and there were still undeveloped lots and some capacity should be reserved for their use.

Councilmember Rodeback expressed that if the development was in conformance with the City's Code, they had to approve. If the City's Code was inadequate then they needed to look at it in another setting.

Councilman Frost commented that Vintaro was big and had a master planner. Now the City was getting it in fragments. The Planning Commission had a look with different eyes. He asked if the Planning Commission was unanimous in what they felt.

Mr. Olsen answered that they were.

Mayor Hadfield stated that a concept plan was just that; a concept. It was not to scale and not to detail. He had no problem in approving the concept plan. He felt a second access was needed to 620 South or back to 600 East.

Councilman Shelton did not think that a motion to approve the concept plan tonight was going to require Mr. Harris to get permission to use the adjacent property.

Mr. Harris responded that it felt like a requirement.

**Councilman Shelton moved to adopt Ordinance No. 2013-11-49 approving an amended overall concept plan for Vintaro PUD Phase 1-A located in the vicinity of 650 South Utah Valley Drive in the PC, Planned Community zone.**

Councilman Shelton stated that he appreciated the fact that they could work together.

**Councilman Taylor seconded the motion. All were in favor.**

CONSIDERATION AND ACTION THAT THE CITY COUNCIL SIT AS A BOARD OF CANVASSERS FOR THE NOVEMBER 5, 2013 AMERICAN FORK MUNICIPAL GENERAL ELECTION – Richard Colborn

**Councilman Shelton moved to have the City Council sit as a Board of Canvassers for the November 5, 2013 American Fork Municipal General Election. Councilman Taylor seconded the motion. All were in favor.**

Richard Colborn presented information regarding the printed pages of the results of the election. There were 108 Provisional Ballots of which 73 were qualified to be counted and are included in the Official Canvass. The reasons for not being counted included registration issues and/or an incomplete application. There were 688 absentee ballots sent out and 503 absentee ballots were returned. There were 34 returned not postmarked at least the day prior to Election Day or otherwise were not qualified. All results including early voting have been tabulated and placed in the Official Canvass Report for the November 5, 2013 Municipal General Election and it showed James H. Hadfield Mayor-elect and as Councilmembers-elect Carlton Bowen and Jeffrey Shorter. It is included in these minutes as **ATTACHMENT 2**.

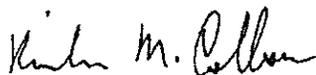
Councilman Shelton appreciated the work of the poll workers and Richard Colborn and Terilyn Lurker.

**Councilman Shelton moved to approve the Official Canvass Report for the November 5, 2013 Municipal General Election as presented. Councilman Frost seconded the motion. All were in favor.**

Certificates of Election were distributed to Mayor-elect James H. Hadfield and Councilman-elect Carlton Bowen. Jeffrey Shorter would receive his Certificate of Election at a later time.

ADJOURNMENT

**Councilman Shelton moved adjournment at 9:52 p.m. Councilman Frost seconded the motion. All were in favor.**



Richard M. Colborn  
City Recorder



# Proposed Ordinance: Registration of Landlords Letting Residential Dwellings

American Fork Police Department  
American Fork Neighborhood Preservation Committee  
November 2013

## Neighborhood Preservation Committee

- Established in 2003 as the Nuisance Abatement Committee
- Chaired since 2004 by Doug Bethers
- Works with the City Enforcement Officer and the American Fork Police Department to identify and abate nuisances
- Studies and recommends modifications to the Municipal Code to improve nuisance abatement

## The Need

- A disproportionate share of nuisances and crimes tend to occur at rental properties.
- Effective response to nuisance, criminal, and some emergency situations requires contacting the landlord or an agent.
- Existing utility and property records often are not sufficient to facilitate this contact. Several hours' labor or more may be required.
- AFPD has recommended for several years that the Neighborhood Preservation Committee propose a requirement that landlords register with the City, so the City has current contact information readily at hand.

## Committee Priorities

- Promote public safety
- Protect property rights and property values for all property owners in the city
- Minimize the fiscal and administrative impact on the City
- Minimize costs imposed on landlords and, through them, on tenants

## The Result

The proposed ordinance –

- is smaller in scope, less invasive, and less costly to the City and to landlords and tenants than any similar ordinance the committee has studied in Utah or elsewhere in the US;
- can be implemented by the AFPD within its existing budget and by existing personnel; and
- deliberately avoids the costs and administrative burden of “good landlord” programs and “fit premises” ordinances.

## Requirements

- With some common-sense exceptions, landlords letting residential properties in the city must provide and keep current:
  - Name and contact information for each **owner** of a rental dwelling and any **agent** employed in letting or managing the property
  - Name and contact information for any **manager** of the property
  - The complete **street address** of each rental building, the number of units in each building, and the unit number or other equivalent designations of each unit.
  - Note that landlords are NOT asked to provide information as to the numbers and identities of tenants.
- Annual fee: \$50 per landlord per year (not per unit)
  - The committee has discussed and would support a graduated fee scale based on the number of units or buildings, should the City Council prefer it. (Perhaps \$25 for landlords letting up to four units, \$50 for 5-20 units, and \$100 for 21 or more units.)

## Additional Requirements for Absentee Landlords

- If the owner is **not a Utah resident**: The name and contact information of a legal representative and agent residing within the State of Utah, for service of process.
- If the owner **resides outside of Utah County, Salt Lake County, Wasatch County, and Summit County**: The name and contact information of a local agent residing within one of these counties, who is authorized to manage the dwelling.

## Why Require Absentee Landlords to Have Local Agents?

- The cost to taxpayers of the City locating absentee landlords is sometimes much greater than with local landlords.
- Research suggests a positive correlation between the number of law enforcement responses to a rental property and the landlord’s distance from that property.
- For these reasons, doing business as an absentee landlord imposes disproportionate costs on the City. The proposed ordinance would shift some of those costs of doing business from the taxpayers back onto the absentee landlord.

## Common-Sense Exceptions

The following situations would not require landlord registration:

- A duplex in which one unit is occupied by the property owner.
- Any rental situation which fits the City Development Code's description of a family for a single-family dwelling, *provided the primary residence is owner-occupied.*
- Any dwelling which is usually owner-occupied, but which is temporarily rented because the owner is in a hospital, nursing home, assisted living facility, or other similar facility; or where the owner has a bona fide, temporary absence of three years or less for activities such as temporary job assignments, sabbaticals, or voluntary service.

## Compliance and Enforcement

- The proposed ordinance provides for a **six-month initial registration period**, during which landlords must register and, in so doing, must identify all of their rental properties in the city, with the noted exceptions.
- Violations, such as failure to register as a landlord when required to do so, or failure to identify a rental property, may be prosecuted as Class C misdemeanors (equivalent to unpaid traffic tickets).

## Recommendation

The Neighborhood Preservation Committee voted unanimously to recommend this ordinance to the City Council for adoption.



*Thank you!*

# November 5, 2013 Municipal General Election OFFICIAL Results

Canvas on November 19, 2013

Candidate	AF 01	AF 02	AF03	AF04	AF05	AF06	AF06S	AF07	AF08	AF09	AF10	AF10S	AF11	AF12	AF13	AF14	TOTAL VOTE
<b>MAYOR</b>																	
Bill Thresher	186	63	147	120	99	227	2	214	214	128	201	12	79	83	73	4	1852
James H. Hadfield	236	155	187	160	173	128	0	259	198	205	135	22	96	139	64	2	2159
<b>COUNCIL</b>																	
Jeffrey Shorter	227	133	206	144	167	315	0	246	218	189	202	15	136	121	71	5	2395
R. Craig Nielsen	269	133	186	160	152	99	2	284	218	199	161	22	75	127	68	2	2157
Carlton Bowen	259	114	221	193	178	229	2	315	322	188	238	24	109	148	92	4	2636
<b>BOND</b>																	
For	126	84	104	95	85	75	0	136	101	129	81	13	54	62	30	0	1175
Against	309	133	237	193	198	292	2	343	320	205	258	21	125	166	110	6	2918
Total Voters	427	219	335	283	273	358	2	474	416	335	337	34	175	224	138	6	4036
Registered Voters	1280	888	1111	976	905	1128	37	1517	1073	933	1064	94	877	989	487	27	13386
	34.30%	24.77%	30.78%	29.71%	31.49%	32.54%	5.41%	31.84%	39.52%	36.23%	32.24%	36.17%	20.64%	23.26%	28.75%	22.22%	30.81%



Richard M. Colborn, City Recorder

