

AMERICAN FORK CITY COUNCIL
JANUARY 19, 2021
WORK SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Community Services Director
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present Shane Farnsworth, Rob Smith, and Sarah Beeson

WORK SESSION

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

The American Fork City Council met in a work session on Tuesday, January 19, 2021 electronically, commencing at 4:00 p.m. Mayor Frost read the notice of electronic meetings from the agenda pertaining to Resolution No. 2020-07-20R authorizing meetings virtually because of the danger of an anchor location to the spread of COVID-19 pandemic.

1. Presentation by Alpine School District.

Mr. Rob Smith stated they were grateful to give a brief update on the school district that they tried to do annually. They valued their history; he showed pictures of an old school and a school currently under construction in Vineyard to be completed in April of 2021. They were grateful to those in the community that valued education. He showed a picture of the current board members, minus Staci Bateman, Region 9 PTA President elected to the board that year.

Mr. Smith stated they have maps showing the school boundaries and numbers, however, they become outdated very quickly due to the rapid growth of the county. They strive to keep finding ways to utilize the resources they had available to them. They have nearly 81,000 students in the district. They hired new teachers for 2020/2021: elementary teachers 256, Junior High 127, and

High School 151. They have about 3800 certified teachers on their staff which was down 150 from the year before.

The number one priority of the board is to recruit and retain the best teachers. They are striving to find ways to support them with competitive compensation packages or professional learning team and coach and have a board of eight teachers that met earlier that day to talk about ways to help teachers and bring feedback back to the board. The best outcomes are driven by the best teachers: the connection between the competent caring adult helping the kids with learning.

In a COVID year, they had a lot of change. This last week they had a vaccination clinic at multiple locations where they had over 3800 educators receiving the vaccination. They are hoping this gets them back to some sense of a new normal. If parents were concerned with their children not wanting to attend classes, they had a number of options to keep students learning and safe. These options were posted online.

He showed a slide on the secondary learning. They have a revised schedule. They are trying to keep stress down and avoid going to hybrid or solely online options.

Mr. Smith stated if they had questions about their school and the case counts at the school, that information could be found on the district's website. They have reviewed the data and have been able to modify their requirements based on the most current health department findings.

Mayor Frost said it felt like Alpine School District has threaded the needle perfectly. It was a moving target, and he feels it is important for the kids to be back in the classroom and was happy with how the district has made good decisions to keep kids safe.

Sarah Beeson stated she received a call from a large school district in California who wanted to know how the Alpine School District was doing so well. Alpine School District feels face to face learning is crucial, and they had some concerns from parents when schools were talking about reopening but it had been a great experience and concerns had been subsided. She was proud that Alpine School District was on the map for looking at the data and moving forward without fear.

Council Member Clark Taylor stated that the holistic approach the district had taken with athletics and how the kids have handled the restrictions made him proud. They had demonstrated to the world that if they were prepared it was going to be ok. The American Fork girls' soccer team had been the first team in the United States to play after restrictions were lifted, which had received some criticisms.

Mr. Smith gave thanks to their relationship for gym space for youth basketball to allow indoor sports to continue.

Council Member Carroll said she has a child in each school. She felt it was so important for her kids to have some face-to-face interaction and that the district had done a great job of allowing this to continue. They had to trust the data and look at schools on an individual basis and all of those elements were so much work for everyone. She appreciated their hard work.

Council Member Carroll wondered about teacher turnover and how that compared to years past. Mr. Smith stated last year they had just under 700 new teachers, so it was lower this year. He wanted to say that in the past five years, they were between 500-700 new teachers; 35% of their

teachers are in their first five years on the job. They want to keep teachers and have worked on ways to incentivize the teachers not only to join the team but to stay on.

Council Member Barbara Christiansen said the things she had heard from the public had been positive.

Mr. Smith said they had made some mistakes along the way but had learned a lot in the process.

Mr. Smith continued with the presentation and said they had three major companies donate a million dollars and several others donate tens of thousands, as well as parents and students donating what they could for the new Space Center. They had a dome planetarium imbedded in one of their elementary schools, as well as world class flight simulators; it was a wonderful asset to the kids. They were grateful to the significant donors that had allowed them to be able to enhance what they were able to do. He invited Council to the center when it was completed.

Shane Farnsworth thanked the Mayor and Council and Staff for the wonderful things they do for American Fork. He went over the enrollment trends in American Fork Schools. They have seen a decline in elementary schools which could be due to COVID concerns. The junior high was down a little but the high school increased.

Council Member Shelton asked if the American Fork Junior High were closed or if kids outside the boundaries could go there. His kids would go to a different junior high with the new boundaries, but he and his wife wanted to keep their kids going with their friends at American Fork Junior High. Mr. Farnsworth said that was okay for students lined up to go to American Fork High School as long as they filled out an out of area transportation form. However, there were concerns about declining enrollment at Mountain Ridge and they were looking at ways to adjust that so they had the student populations necessary to provide all the programs necessary to benefit those students.

Mr. Farnsworth then went over the capital projects in American Fork from the past few years. Roughly \$35 million had been spent over the last five years. A significant amount had been put into American Fork High School and they will need to keep on the radar finishing American Fork High School for future bond projects, as well as a possible rebuild or boundary change for Barratt Elementary.

Council Member Shelton commented that with the high school remodel, there was talk for turning the 4th gym into a classroom, but he hoped they would keep that extra gym because of the new COVID limitations and limited space for indoor activities. Mr. Farnsworth said that the typical model is two auxiliary gyms and one main gym, and they were looking at options for the 4th gym; he noted the school was anxious for the remodel but did not want to lose that 4th gym.

Mr. Smith said there was a 15-page condensed document prepared on the school's finances. This was to engage and inform and make simple for the public the goings on with the district.

Council Member Rob Shelton said that the entrance to Shelly Elementary was a unique drop-off location and has created traffic issues; he hoped as they look at improvements for the school, they could redesign that to help out with the right- and left-hand conflicts as they were leaving the school. He commented that they were also looking at a possible CRA and felt there was a great

chance for partnership there. He would love to continue those discussions to come to a well-informed decision.

Council Member Clark Taylor thought there was tremendous benefit for the district and the City, especially downtown. As they looked at the new district by the train station that was growing rapidly, they could use some cooperative help from the school district with that CRA and getting that going.

Mr. Smith stated that they have talked about Shelly multiple times, but they had some limits because of where the building sits relative to the road. They liked to design schools with 700 to 800 feet of frontage but would love to work with them on that. With the RDA/CRA/EDA, he appreciated meeting with the city manager and mayor as well as the developer and they were happy to work with them and would continue to do so.

Council Member Carroll asked how growth was measured in certain areas so she could have the background to explain to other people what was being done. Mr. Smith said that in the fall of each year they started with an enrollment projection; this data was on the district's website. They also looked at charter school enrollment, housing data, birth data, census data to underpin their projections for five years into the future. They also had move up numbers of graduating seniors and incoming kindergarteners. This was the basis for all school district planning and was very comprehensive. The document would clearly articulate what areas of the community were growing. When school grew to 900-1,000 students that is when they knew they needed to start talking about plans for an additional boundary change or additional school. He explained the process of what would happen from that point. Dr. Farnsworth referred to the document discussed by Mr. Smith and stated that American Forks enrollment data showed their projections were stable with a little bit of a decline. Pages 48 and 49 of the enrollment books were particular to American Fork data.

Council Member Staci Carroll mentioned the CRA and stated that from a City perspective, especially on the south side, the infrastructure (water lines, sewer lines, and roads) to put it into place was not there. If they wanted to continue to see growth there in a way to increase land values, she did not see any way that they could get it without some sort of partnership with the school district. They were looking at other options, but she had yet to hear a good one.

Council Member Barbara Christiansen said that the City needed to look ahead like the school district did. She thanked them for their transparency throughout the years.

Mayor Frost said he has always appreciated the open-door approach with the school district, and it felt like American Fork was their home base. If there was anything the City could do to support them, they were open to suggestions now and in the future and they worked together because that was what was expected from the community.

Ms. Beeson said it was so much more productive to have an open dialogue with the City and she was appreciative of everything the City did, especially the police officers and having them in the schools. She was proud of American Fork City and was proud to represent the area.

2. Review of the 5-year streets improvement plan.

Public Works Director Scott Sensenbaur started by setting the stage with a brief history review. At the budget retreat in 2020, staff was directed to consider all infrastructure and not just the roads.

One item they talked about was that the original plan had costs that were low because costs had risen. The original plan had not considered underground infrastructure and it did not include enough for soft costs, design, geotechnical work, etc. The direction they received was that they needed to plan to the budget.

Mr. Sensanbaugher went over what has been done so far for the last couple of years. There had been 2.63 miles of major work by contractors: rebuilds, reconstructions, reclamations, roughly 25.6 miles of preventative maintenance, mostly by the Staff, which was 21% of the City. Over the last eight years around \$16.9 million had been spent, averaging \$2.1 million per year.

Mr. Sensanbaugher indicated there was a map on the website that shows the work that had been done since July of the previous year. It showed what type of work was done. He then went over projects that are being done now: 700 North was 98% complete, 600 East, and the Pacific and Center street chip seal. He also showed what projects were being done in fiscal year 2021.

Mr. Sensanbaugher commented on some of the assumptions they would have with the upcoming plan. One assumption was that they would have an average estimated budget for those major projects of around \$2.5 million per year, plus a pavement maintenance budget of \$250,000. Another assumption was that as part of these projects, additional funding from water, sewer, PI, and storm drain would be used to complete those projects in a holistic way. Water was the big one. The budgetary numbers were used to establish project timing and spread around different segments of the City. Another assumption was that project timing may need to be delayed or otherwise adjusted due to unforeseen factors so there had to be some flexibility.

Mr. Sensanbaugher pulled up the plan and showed the pavement projects they had planned by year. All the roads in the plan had an accompanying map that showed where they were. They took several things into consideration when choosing projects: traffic counts, spacing around the city, remaining service life (RSL), the number of detours in the area, if the road was salvageable or if it was eligible for maintenance to delay major work, and utility conditions.

Mr. Sensanbaugher commented on other infrastructure and stated that bad roads and bad water lines usually went together. If there is an older road that was in good condition, typically the underground utilities were in good condition. He noted the PI system did a lot of damage to the road. He also noted that road damage was rarely due to bad sewer or storm drains; it was typically water or PI issues. The road conditions were what could be seen so that is what usually got the attention and drove the decisions.

He stated that there were a couple of key best practices. They want to do things in a holistic matter: assess all infrastructure, especially water, for major projects. Generally, they do not replace a water line without also repairing the road. One exception was when there was outside money allocated specifically for water line replacement.

Mr. Sensanbaugher wanted to talk about the capital improvement projects. They had budgeted \$100,000 in the current fiscal year for water line replacement. Their needs greatly exceed that. Since sewer lines and storm drains were not typically the cause for road damage, they usually were not addressed during road projects. They had about \$300,000 in annual sewer lining and \$500,000 in semi-annual bursting sewer projects.

Mr. Sensanbaugher said that the water projects should always overlap with major roadwork projects. More money would allow projects to be completed sooner but they had to work within the confines of the budget. The plan must be flexible, which it was. With this funding, they did not move the dial on the overall city RSL. Communication to the public is key because projects caused disruptions and detours, but they would do all they could.

City Administrator David Bunker thanked Mr. Sensanbaugher for his presentation. Mr. Bunker stated that they in general they were trying to budget \$2.5 million a year towards road improvements, plus allocating \$250,000 a year towards pavement management. The City received about \$1 million each year from Class B&C road funds. In 2008 there was a mild tax increase that had generated about \$350,000 at the time but they had \$500,000 earmarked towards roads which meant that to get \$2.5 million they were using \$1 million from the General Fund. If they went less than \$2.5 million then they got further and further behind. They really needed more than \$2.5 million to have a comprehensive plan. He and Rebecca Andrus, the City Engineer, had put together an engineer's estimate.

Mayor Frost said that they decide and put it out there, but the economy was driving the costs. Lumber cost had doubled in price since March. He asked what affect the economy had on the overall outlook on the plan. Mr. Sensanbaugher replied that it had been a significant impact, but it was not the only factor. He felt confident in the plan because they had used real bids and added inflation. It was noted they had looked at escalating prices and had tried to be reasonable; however, they had added a contingency to address some of those costs because everything was going up.

Council Member Shelton commented that one thing that may be helpful was that UDOT tracked an index on asphalt. It would be good to go off that to track the historical inflationary trend. His biggest worry was that they would do all this planning but never move the needle in the direction they needed to because they kept pushing back road projects. He thought they were planning to the need, not the budget and would love to see that they were planning to move the needle.

Council Member Shelton asked if there were other elements that would be forthcoming that showed the map of the water plan and the sidewalk plan and how they all meshed together over the five-year period. Mr. Sensanbaugher replied that all of the money budgeted towards water line replacement was for the roads. The plan was to do the project and do all the necessary things at once. Council Member Shelton asked if that was what the \$100,000 was for. Mr. Sensanbaugher replied yes, but that they needed more. It was then stated that they had asked for \$500,000 but did not get it. The idea was that they had to look at it comprehensively and if they replace the roads and do not replace the water lines then they would have to come back and replace both. Therefore, it was in their best interest to take care of the water lines at the same time.

Council Member Shelton said that their Culinary Water Fund was around \$5 million and were taking in more money in fees that they were spending. They needed to make sure they increased water rates to be able to do the replacement projects. Mr. Bunker stated that they would need to dip into those Fund Balances in order to complete the projects. The plan was to use the dollars allocating to new pipelines, but they would have to use the Fund Balance to complete the roads and the water lines underneath. He would get a spreadsheet that showed where the different money was going for Council.

Council Member Barnes asked when they would see that information and when would the retreat be held. Mr. Bunker stated they could get that information to them within a week as the work had been done, they just needed to compile it. The retreat dates would be February 11 and 12th.

Council Member Christiansen asked about economies of scale. She questioned if it was more expensive to do a couple of blocks of construction at a time rather than a longer project. Mr. Sensanbaugher stated that when they did roads it was better to do the curb and gutter at the same time. Sidewalks mattered less they did those projects house. He clarified that there was an economy of scale with larger projects. Council Member Barnes commented on mobilization costs. Mr. Bunker stated that typically mobilization costs were typically a percentage of the overall project. However, there was an economy of scale with mobilization costs as well. There was a savings to doing long stretches at a time but when they did too many blocks at a time it could negatively affect entire neighborhoods.

Council Member Shelton asked what the current RSL was. Mr. Bunker replied that a couple of years ago it was 8 or 9. Council Member Shelton asked if the USU interns had been there lately looking at the roads. Mr. Bunker replied no, the last time USU had done that was at least five or six years ago. Council Member Shelton said he thought that was crucial to be done every two years to evaluate their progress. He thought part of the plan needed to include an RSL goal and have studies every couple of years. If they were not getting feedback from studies, then they would not know how they were doing with the RSL. Mr. Bunker said at one time Council had tried to shoot for an RSL of 12, and that the accompanying 10-year road plan showed an increase in the amount of dollars the City would have to start allocating towards roads. Within a three-year time frame it would escalate to \$4 million and then \$5 million a year. Council Member Shelton asked how long they would go without increasing the funding and the way he knew how to do that was by a property tax increase.

Council Member Christiansen commented that the B&C road funds would probably continue to decrease due to electric vehicles. Mr. Bunker agreed, stating it was based on lane mile and their line miles in relation to the other lane miles in the State were decreasing because there were cities growing faster than American Fork and therefore getting the money. Mayor Frost said that they had learned there would always be changing mechanisms to it all and it was good to have a goal but to remain flexible. Council Member Shelton said they could change their goals based on changing factors. Mayor Frost commented that it just felt too rigid. Mr. Bunker stated that he would find that 10-year road plan for them to review and see what it was. At this point it was inaccurate, but they did need to move the needle and be flexible. Funds were tight and he knew it was hard for a Council to discuss increasing fees. Pleasant Grove had been challenged on their road fee and they lost the initial challenge; they were appealing but were not sure they would prevail, and it would probably take another year to get a verdict. He thought that the 10-year road plan had an RSL of 12, which was not bad if they could maintain it. An RSL of 20 was a brand-new road and it did not take long for roads to drop below that. Council Member Shelton stated that he thought they had chosen 12 because that indicated that there had been a 40% drop in the quality of the road which was where it was cheapest to maintain it. He would like to measure where they were at with the RSL.

Council Member Taylor said there was merit to what had been said, but he struggled with the fact that he could not see any other city doing it better than others. They had talked about a property tax increase. He felt like they needed to know where they were at and wondered if they needed a

rigid plan or not. He wanted it to be effective rather than a waste of time. He asked if anyone knew of a City who had been doing it better than them that they could model themselves after.

Council Member Shelton said that Highland and Provo had a road maintenance fee. The root of the issue was money and there had not been a good, dedicated source of revenue so other cities also struggled. Mr. Bunker said that Highland had an \$18.50 per month fee on their utility bill dedicated to roads which was \$222 a year extra and had not been challenged legally yet. Pleasant Grove's fee was roughly \$10 but had been challenged.

Council Member Shelton said it would be good to ask the cities who had collected fees to see how much their RSL had increased. Mr. Bunker replied that it might be premature to see the effect on RSL, but they could look at their plans. Highland was taking in the fees and spending it because they were afraid they were going to lose it pending the Pleasant Grove decision.

Council Member Taylor was against getting another study; they could borrow the study from Pleasant Grove. He clarified that he was not saying give up, but he had not seen any city move the needle.

Mayor Frost asked Rebecca Andrus if she could provide some background as she had come from Provo City. Ms. Andrus was not sure of the road side of things so she could not tell them their RSL, but they did not have a necessary holistic plan. They replaced the roads but not the water lines underneath. She could reach back to her contacts to see if they have been able to see an improvement on the RSL but unless you had a holistic plan you were going to have problems.

Council Member Taylor applauded their city because they had a holistic approach. Even though they did not have a huge influx of funds or an increasing RSL, it felt like they were doing it right because they were working on the underground infrastructure first.

Council Member Shelton commented on the studies and asked what Council Member Taylor felt about getting the RSL. Council Member Taylor replied that if they still did not have the resources to change the roads, what would it get them. Council Member Shelton replied that it would tell us what the RSL was to compare to other cities and it would give them a trend line for over the years. The key was finding mechanisms to get the studies done fiscally, like having the USU students come out and do it for free.

Council Member Christiansen stated that UVU had three engineering programs that may be able to help. Council Member Carroll said they had to be careful because when assessing RSL there was subjectivity and students may not have the same subjectivity as someone with experience. Council Member Shelton said that there was subjectivity with every study, but it would be better than not knowing where they were at.

Council Member Carroll wondered if there was any leeway there with the additional property tax growth dollars coming in. Mr. Bunker replied that there was some leeway there to allocate more to roads as the General Fund grew. If other departments in the City expanded, funds for those had to come from somewhere. There was a set dollar amount for the roads that could be adjusted but that number would still not get them to where they needed to be. Council Member Shelton commented that other departments were growing at faster rates and his concern was that it was hard to track those funds because it all went into the same pot. The utility funds were separate and could be tracked and he thought they should do the same thing with the roads. In the past, leftover

funds were to go back into the roads fund. The problem was that there was not enough extra leftover because it was getting eaten up by other departments.

Mr. Bunker stated that in addition they had a goal to increase their reserve fund because it had gotten too low. The state allowed them to go up to 25% and they were under 10% for a time. He was not sure where they were at the time, but he could figure it out. He stated there were a lot of demands on that money and there would not be a lot extra because the needs were growing so fast. Council Member Shelton said they were not keeping up with inflation. For example, they gave merit increases of 3% to employees but he wondered where the money came from. He hoped it was from sales tax increases but at some point, that was not going to keep up with the monster that was growing which was the needs of the City.

Mr. Bunker stated that that would be a lot of the discussion at the budget retreat and he would work with Mr. Sensanbaugher and Ms. Andrus on getting the additional information requested by Council.

Mayor Frost suggested that maybe they could check with Utah State or Utah Valley to see if they could come out and analyze the roads for free to give them some sort of analysis.

3. Discussion on Council Rules and Procedures

Mayor Frost alluded to some issues another City Council was facing with one of its Council Members. This was made to prepare and clean up what was approved in 2009 as Robert's Rule of Order. He considered this a living document that could be modified if needed. There was an element of checks and balances and he thought that was a healthy thing to have and they had tried to strike a good medium with this so everyone understood their role.

Council Member Carroll stated she did have a list of points of discussion she would like to talk about. Her first concern was Section 2.4 Recognition by the Presiding Officer and asked for clarification on it. Council Member Taylor mentioned that he noticed that as well. He did not think it was necessary if conversation was civil and saw it as an enforcing agent for if conversation got heated and out of hand. Mr. Bunker commented that in order to maintain the right decorum in the meetings, it was appropriate for the presiding officer to recognize people to speak. However, if the officer opens it up to discussion, they are free to discuss freely but if it comes to appoint where one person is speaking over others, then the presiding officer can take control of the meeting and go back to recognizing individuals to speak to make it run smoother. Mayor Frost agreed with Mr. Bunker.

Council Member Carroll's next point of discussion was 5.7 about roll call vote. This was something she thought about multiple times. She thought it was a better practice to all vote at once and then show their vote. The order of the vote sometimes made a difference. Council Member Taylor felt the same way; there was no mystery on how they voted. Council Member Shelton commented that they had gone to a roll call vote because some state items required a roll call vote, but some cities rotated who voted first on each item. Legal Counsel Cherylyn Egner stated some issues must be by roll call, so it was easier to do it for all matters, so they did not make a mistake. She did not see anything wrong with switching up the order but recommended keeping the roll call vote. Ms. Egner thought they were trying to do something technology wise where they voted at once they could explore more. Mr. Bunker stated that the order of which the vote was called was not limited by 5.7, so the presiding officer could start in any order. Most action items could be all in favor and they could identify on the agenda what was needed to be roll call vote. Council

Member Taylor asked if they needed to have roll call votes in other boards. There was a discussion on when roll call votes were required. City Recorder Terilyn Lurker read the state code regarding roll call votes. It appeared that most action items would then require roll call.

Council Member Carroll said her next question was on motions. She noted there are suggested types of motions and asked if that meant they were limiting themselves to those motions. Mr. Bunker said if they amend the motion it did require the approval of the original person. He suggested she was thinking about substitute motions. Council Member Carroll concurred. Ms. Egner said that with a substitute motion they would need to let the first one die.

Council Member Carroll stated that her last point of discussion was 13.3 Council Member Compensation and Benefits. Mr. Bunker stated that he did not think Council got paid enough for all the work that they did. He had reached out to other cities to evaluate their compensations for Mayor and Councils and the median increase at what surrounding cities were paying. He thought they had more on their plate than other cities and they should be compensated equally as their peers. It was noted there needed to be clarification in the section that compensation was paid bi-weekly and that the amount list in the section was monthly.

Council Member Shelton brought up 2.2 where location could be changed at the direction of the Mayor. He asked that there be additional language to that section such as locations could be changed up to 24 hours in advance of the meeting, except in the case of an emergency and that all members needed to be informed.

Council Member Shelton brought up Section 3.5 and 3.6 where it mentions work sessions/workshops. They say they can't vote in a work session, but they go around the room to take the temperature which in his opinion was a vote. He thought maybe they should say no final action was taken, but maybe they could make a motion to give direction to staff. Mr. Bunker stated that it does say no final action could be taken. Ms. Egner understood that it wasn't final action but if they make any motion in the work session then have they not already made up their minds prior to the city council meeting? She felt that even if they say it was not final action but they vote and then change the final vote at the meeting, they have then created a problem. Council Member Shelton they were already taking an informal vote. It was noted they needed to be careful when they hold discussions.

Council Member Shelton brought up the agenda and asked what a super majority was. Mr. Bunker stated it was 4 of 5 council members. Council Member Shelton felt that if a council member wanted to add something to the agenda, they should only require two council members be required to add an item to the agenda. Mayor Frost indicated he thought they had to have at least three members to put it on the agenda. Council Member Taylor also thought they only needed two council members needed to add an item to the agenda. Mr. Bunker stated the mayor leads the city by setting the agenda; he tried to find where it said two or three council members were needed but couldn't see where it was defined. Council Member Barnes also felt that two council members was good to require putting things on the agenda.

Council Member Shelton mentioned that Section 4.2B on Public Comments was interesting. They need to be clear what the two-minute public comment period was for. There was a discussion held on what has been done in the past and what suggestions they had. Ms. Egner noted they needed to keep in mind that if they allowed the developer to speak on an item, then they had to open it up to

the public as well. It was noted they needed to note that if there was comment on an agenda item, they should specify there would be time to make those comments.

Council Member Shelton commented that in Section 5.5 regarding time limits on public comment. In the 2009 rules, it allowed the council to set reasonable time limits and he felt that would be appropriate as the council was the group listening to the comments to make a decision. He felt the council should determine how long they listen. Council Member Taylor felt it should be the presiding officer setting the time based on the advice and consent of the council. It was felt they should have a standard time of two minutes for comment.

Council Member Shelton noted in Section 6.2.D stated that an address needed to be stated and questioned if their address had to be public. It was felt by the majority of the council they should leave the address off, but state what city they live in.

Council Member Shelton stated in Section 10.1(2) it mentions conflicts of interest. He asked that they add a five-minute training each year to the annual open meeting act. Ms. Egner indicated that was not a problem.

Council Member Barnes stated that in the sixth paragraph, it states they shall be encouraged to abstain from deliberations and voting when they have conflicts. He thought they were allowed to participate in the discussion but abstain from the vote. Ms. Egner stated she would pull the state code, but she did not think they needed to abstain from all issues. Mr. Bunker stated there are times where the council discloses their conflict but they still participating in the discussion and voting; this language states they are encouraged to abstain from participating and voting. Council Member Shelton felt they should abstain from the vote but be allowed to comment like any member of the public. Ms. Egner indicated so would prepare a memo on this topic.

Council Member Shelton stated Section 11.4 is City Council/Third-Party Service Provider Relationship. He stated there are times that business want to talk to the council members and questioned when this would come into play. Mr. Bunker stated this would come into play when they are meeting with a third party that could charge the city for their services. Council Member Shelton felt they should clarify that if it creates an additional financial obligation. Council Member Taylor felt they could add a statement that the council member would be responsible for payment if they do incur expenses without prior approval.

Council Member Shelton stated that in Section 14.1, it lists six items of reprimand/sanctions. In another city, all it did was to divide the community and did not have any teeth in it. He did appreciate the loss of committee assignments and that they could be removed from a meeting, but felt it added more fuel to the fire. Mayor Frost felt this was a step-up process but felt they could remove the informal verbal warning and verbal reprimand in an open meeting. It was decided that they would remove the first two items on the list.

Council Member Shelton brought up a discussion he had with David Church regarding abstaining. Mr. Church stated that an abstain vote was a no vote. He thought they may need to look at that.

It was asked if this could be used for the Building Authority and Redevelopment Agency. Ms. Egner recommended a separate document for each board.

Council Member Barnes pointed out that in Section 10.2 (4) it mentions six-member council structure and thought it was five council members and Mayor. Mr. Bunker explained by law they do have a six-member council; the mayor is a non-voting member except in a tie.

Council Member Taylor brought up the length of time of work sessions. He felt a four-hour meeting was long and wondered if there was anything they could do to improve the efficiency. Mayor Frost stated in the past they have provided a time frame on the agenda, but tonight did go a little longer than anticipated.

4. Adjourn.

The work session ended at 7:55 p.m.

A handwritten signature in cursive script that reads "Terilyn Lurker".

Terilyn Lurker, City Recorder