

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
JULY 14, 2015

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, July 14, 2015 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 Carlton Bowen, Brad Frost, and Clark Taylor. Councilmembers Rob Shelton and Jeff Shorter were excused.

Staff present: Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Fire Chief Kriss Garcia
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Allen Simpson, Mr. and Mrs. Armen Jacobs, Barbara Christiansen, Dan Richards, and 20 additional persons

Mayor Hadfield welcomed City Council Candidate Allen Simpson present in the audience.

Mayor Hadfield led the audience in the Pledge of Allegiance and Richard Colborn offered a prayer.

Mayor Hadfield noted that with two Councilmembers absent any motion must have a unanimous decision.

Mayor Hadfield had the scouts in attendance come forward and introduce themselves. (Some others that arrived later in the meeting are also included)

Troop 814 Dylan Bird TJ Adamson Quinton Adamson

Troop 1152 Jefferson Penrod

Mayor Hadfield wished them well on Scouting's path and when it came time to consider an Eagle Scout Project that they consider American Fork City as there were many things that one could do to benefit the community.

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

There was no public comment at this time.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead thanked the staff and recognized them for all of their hard work during Steel Days this past week. It was another great Steel Days. A lot of effort went into it from volunteers and City staff.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen appreciated the Beautification Committee's efforts along the other efforts involving Steel Days.

Mayor Hadfield commented that he was able to attend four of the nine Garden Tour venues. He appreciated the work done by each. He was envious of those back yards. He asked that the Beautification Committee be thanked.

Councilman Frost reported that it had been an incredible week in American Fork. Steel Days was a great tradition. He had a really good view of watching a really good committee go to work. It took months and months of planning and they went home beat on Saturday night. He thanked the staff noting that it really helped the volunteers feel good when staff supported them. The free Big Show was attended by probably 7,000 to 8,000 persons. His job now was to thank everyone on the Committee, give them about two weeks off, and then commit them for next year.

Councilman Frost noted that American Fork City did something pretty neat when they led out in defense of American Fork Canyon when no one else would. With that beginning it has become a great unity within our County and within other Cities. Yesterday all of the hard work came to fruition. It was very much a hard-fought political battle over American Fork Canyon and keeping public grounds public. It started here and he could not be more proud of the Council, those who supported it and all that they did. "We now had the ability to plan our own ground."

Councilman Taylor expressed that every year he looked forward to Steel Days and this being his hometown he looked forward to Steel Days forever. It was fun to see his kids get excited and they all come back for the Big Show. So many great things happened this year. He loved the Art Dye Park location and the ability to use our own resources for a change. It was great to have additional accesses. There was a lot of hard work from the staff and from the Committees to make such a wonderful event take place.

Councilman Taylor added his thanks and his appreciation because there was something about community and so many people coming together to make something happen. Unless one was involved no one would know how much time Jean Abram and her husband and the entire Committee put into it. They were a great group of people.

Councilman Taylor continued with Kudos to Councilman Frost. He would defray it but someone had to drive that bus and make sure it stayed on task so that Steel Days would be a success. Also, for his work on the Resolution regarding American Fork Canyon. It would not have

happened if Councilman Frost had not stepped in when he did. This represented people who care.

MAYOR'S REPORT

Mayor Hadfield reported that a week ago Monday there was a ribbon cutting for the new Costa Vida Restaurant in The Meadows shopping area behind the America First Credit Union.

Mayor Hadfield kicked off Steel Days last Monday evening when he introduced the American Fork Symphony and on a couple or three numbers they backed up Joshua Creek. Thursday night he passed out the awards for the annual Arts Show. There were many different mediums that were represented. He complimented everyone that had something to do with Steel Days.

Following the Parade on Saturday Mayor Hadfield attended the dedication of the Grist Mill at 400 South Center and accepted that historic monument that was recognized by the Sons of the Utah Pioneers on behalf of the City.

Mayor Hadfield concluded his remarks by complimenting the staff and the work that was done. At the Big Show they had people that had been trained by the Police Department in parking. They had an exit strategy for the many cars there. In exiting there were three basic alternatives one of which was 980 North over the bridge. The police were active throughout the community including the Car Show and Cruise. He thought that one hour was long enough for the cruise. He applauded the Fire Department in having everything laid out in such a way that there were no consequences or no difficulties associated with the fireworks.

Mayor Hadfield applauded the Steel Days Committee in putting on a Big Show like that and making it free to the public. Thanks go to the merchants and the volunteers.

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 June 18, 2015 Special Session minutes.
2. Approval of the June 23, 2015 City Council minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*

Mayor Hadfield stated that historically the City paid bills twice a month. If they did not approve the payment of bills for these purchases tonight the City will have lost prompt payment discounts on some and may face some penalties for late payments on others.

Councilman Bowen asked that item No. 3 on the Common Consent Agenda be placed in the action items.

Mayor Hadfield moved Common Consent Agenda item No. 3 to the Action Items.

Councilman Taylor moved approval of Common Consent items Nos. 1 & 2 as presented. Councilman Bowen seconded the motion.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

ACTION ITEMS

(From Common Consent No. 3) APPROVAL OF THE CITY BILLS FOR PAYMENT, MANUALLY PREPARED CHECKS, AND PURCHASE REQUESTS OVER \$25,000 – *Cathy Jensen*

Councilman Bowen stated that since he had been on the Council he encouraged that the financial items not be on the Common Consent Agenda. He almost always voted, no, and that was because they did not have the opportunity to discuss how the money was spent. He thought that was one of the most important things that they can and should do as a Council. He encouraged Mayor Hadfield to put the payment of bills and anything having to do with money on the Action Agenda in the future.

Mayor Hadfield asked what particular questions he had this evening.

Councilman Bowen commented that he had talked to the City Administrator repeatedly in the past about the City implementing an IP phone. One of the things the City paid month after month was long distance charges for multiple departments and other phone bills in his opinion could be significantly reduced by simply implementing current technology of IP Telephony. He wanted some kind of commitment from the City Administrator that they could research and get something before the Council on implementing IP phones this year.

Craig Whitehead responded that they had been looking at different phone systems. Phone systems were not cheap. George Schade has been working with some companies regarding swapping some of the City's dark fiber for a new phone system without cost. They were looking at that. They had a lot of other things going as well.

Councilman Bowen noticed it was not in the budget this year and it wasn't in the budget last year. To him that says it was not really a priority.

Mr. Whitehead explained that they were working on a swap so that there was no cost to the City and that was why it was not there.

Councilman Frost thought if it was important to Councilman Bowen, and if it was going to save money it was important to him, but it was one thing to stand here and give an assignment. It sounded to him like Councilman Bowen has some knowledge of this industry. Some words were said tonight that he did not even know about. He recommended that Councilman Bowen go to Craig Whitehead and be part of a team that looked at it holistically. He would be willing to sit down with Councilman Bowen and listen to his request. It was hard to just sit here and bark out orders. It was a lot easier to be collaborative and be part of a team and find a solution.

Mayor Hadfield stated that he would be happy to put it on a work session so that they could discuss it openly.

Councilman Bowen responded that he was not barking out orders he was just raising an issue that has come up several times in the past and it had absolutely no traction and it should have. He was happy to work with whomever in the City who would like to work with him or use his input. It needed to be a priority and right now it was not.

Councilman Bowen asked Mayor Hadfield for his commitment that implementing IP Telephony would be a priority for the City and implement that by the end of this year or at least have an excellent game plan to be implemented shortly thereafter.

Mr. Whitehead reminded the Council that they had a Planning Session and IP phones did not come up and was not a priority of the Council. There were a lot of other things listed on those priorities to do. If the Council as a whole wanted to set that as a priority they would be happy to do that.

Councilman Bowen appreciated that but he recognized also that as from our previous budget discussions the number one priority of increased road funding, he did not really feel like it was adequately reflected in this year's budget either. Again he asked Mayor Hadfield if this was something he was willing to do.

Mayor Hadfield responded that this was old hat. About four years ago a new Councilman came on board and he looked at what the City had and what the City was paying to different agencies for communications whether it was hard-wired in the buildings or hand-held in the field. A contract was let to look into some areas where the City had been over-charged. His fee was one-half of the savings. Some areas were cleaned up and some were looked at as spending dollars to save dimes. There was not a lot of traction there. He would commit to look into it before the end of the year and they would have it on a work session for further action. Councilman Bowen's input was certainly valuable.

Councilman Frost suggested that at the work session he would be willing to listen to Councilman Bowen make that presentation looking at what the City currently spent and what it might currently save and all of the options. If money could be saved, he was all for that.

Councilman Bowen appreciated that but stated with all due respect he thought that the people within the City Administration were the most qualified to do that. IP Phones had been around for years now that most major businesses have implemented. There were multiple vendors that would be willing to come and pitch their products for free.

George Schade explained that this had been one of those challenges in the City. The reason for that was that they were looking to trade up to six cables for a phone system. If they could find the companies that want to do that there were still challenges from a legal standpoint. The City had to make sure the rules that were in place by the State and Federal were followed. There were many, many phone providers. It has taken a lot of time but he felt they were getting there. They were at a point now that they had crossed a lot of those hurdles.

Mayor Hadfield commented that the City did not have just one phone system the City had six different phone systems.

Mr. Schade responded that with new phones it would be a uniform, centrally located, VoIP system.

Councilman Taylor asked if the existing hardware and phones could be used with VoIP.

Mr. Schade explained that there were two types of systems. One of which was a Hosted System where all of the main equipment that dealt with the phone itself was housed in the Cloud. The main system in the City would be the cable that the City already had.

Mayor Hadfield commented that some of the City's system was so old they were shopping on eBay for parts to keep it going. He asked if there were any more questions regarding the bills they needed to pay.

Councilman Bowen stated that he was not sensing that that was going to happen with the IP stuff.

Mayor Hadfield suggested that he then take it as a personal project and bring it forward.

Councilman Bowen asked why it was so hard for the City staff to do that. They were paid to do that. They worked here 8 hours a day or 10 hours a day, four days a week.

Councilman Taylor expressed that for 18 months this was the first time he ever, ever heard Councilman Bowen bring this up. If this was so critical enough to hold up the payment of the bills tonight, why now and why not have Councilman Bowen take the lead. When anyone of the Council could lend expertise they would get involved and help to the degree they could.

Councilman Bowen responded that as he stated he would be happy to work with whomever. He did not want this to be that he was point on. He thought for this to get done someone on the City staff needed to take point. He brought this up several times in the past.

Mr. Whitehead stated that he had brought it up to him twice. If the Council as a whole gave the staff direction to bring this back in some form they would come back with options. Mr. Schade had been working on this for some time.

Mayor Hadfield stated that he would put this on a future work session agenda and discuss it around the table with all five members of the Council present.

Councilman Taylor moved approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. Councilman Frost seconded the motion.

Mayor Hadfield asked if there was any discussion on the motion. There was none

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|--------------------------|
| Councilman Bowen | Nay | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion failed |

REVIEW AND ACTION AMENDING THE ORDINANCE TO PROVIDE A 'PARKING BY PERMIT ONLY' AREA ON THE WEST SIDE OF 900 EAST, FROM 50 SOUTH TO THE CURRENT DEAD END OF THE BLOCK (APPROXIMATELY 100 SOUTH) AND AN ORDINANCE RESTRICTING PARKING ON BOTH THE NORTH AND SOUTH SIDE OF BAMBERGER DRIVE FROM APPROXIMATELY 870 EAST TO 1000 EAST – Dale Goodman

Mayor Hadfield explained that this was discussed at the work session. He asked if there were questions.

Dale Goodman felt that Andy Spencer had addressed it well in the work session. It was felt that this was an important issue to those who lived in the area.

Councilman Taylor stated that he was impressed with the situation when this was brought to their attention. Mr. & Mrs. Jacobs were at the work session and he was very impressed with the cooperative nature of all of the involved parties. That night he drove through Haymaker and counted the empty spots. It seemed there were a lot. He was impressed with the Haymaker President and Board Member who were there and their cooperation.

Councilman Taylor moved to approve the Ordinance amending Chapter 10.34, the Residential Parking Permit Program, to include the neighborhood of 900 East from 50 South to approximately 100 South and move to also approve the Ordinance designating Bamberger Drive between 870 East and 1000 East, approximately, as a 'Restricted Parking' zone. Councilman Frost seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen noted that originally the petitioners asked for the curb to be painted red. The City came back with this parking by permit proposal. Which did they prefer?

Mr. Jacobs answered that there were other options besides a red curb that allowed for no parking by anyone. They preferred permit parking.

Councilman Bowen commented that on Bamberger there was not a problem with parking there. It was projected that there could be a problem in the future. He hated to impose restrictions that solve problems that did not exist yet.

Councilman Bowen brought up that there was not really a process spelled out as to how to get a permit; who could apply for a permit; who could not; and residences were not defined.

Councilman Bowen would amend the Ordinance to define how many permits were available; who could apply for them; and was it first come first serve. He was open to suggestions.

Mr. Jacobs responded that there was only a need for a half dozen for each of the two residences.

Councilman Bowen asked how long the permits would last.

Councilman Taylor did not know what that magic number was. They knew that the need was there.

Mr. Goodman explained that in the original Ordinance that was addressing the high school area, there were not a maximum number of permits that were available for each residence. In this case those on the west side of 900 East could come in and get permits from the Public Works office.

Councilman Frost expressed that it seemed kind of silly to have numbers. Occasionally everyone had an event for a few hours where there were a lot of cars.

Councilman Bowen thought that the number of permits could be the maximum number of cars that could park there.

Mr. Goodman explained that it would be incumbent on the property owner to distribute the permits. He did not think that was a problem.

Councilman Bowen moved to amend the motion to change the language from,

“The following area within the City has been specifically designated as a "no parking" zone for anyone but residents of the area”

to “The following area within the City has been specifically designated as a "parking by permit only" zone for American Fork residents. Permits shall be issued to American Fork residents at no cost. Permits will be issued by written request to the City. Permits will be issued on a first come, first served basis. Permits will be valid for 30 days.”

Mayor Hadfield commented it would require coming in 12 times a year to park there.

Mayor Hadfield called for second to the motion to amend.

Councilman Bowen stated that if 30 days was too often he was open to suggestions.

Councilman Taylor had no problem changing the language on the first portion. He was not sure on the 30 days.

Councilman Bowen added to his motion to amend, to remove the restricted parking on Bamberger Drive.

Mayor Hadfield commented that there were vehicles parked there that did not get moved after 3 days including trailers and box trucks. It has kind of been the overflow for Haymaker HOA.

Councilman Bowen was not aware of any current problems there.

Mr. Goodman noted that with the restriction on 900 East they would have to relocate to somewhere else and that would probably be Bamberger.

Councilman Bowen thought that if problems came up on Bamberger, it could be brought back to the Council at that time. With regard to the permits, he encouraged the petitioners to be the first served.

Mayor Hadfield called for a second on the motion to amend. There was no second. The motion died for the lack of a second.

Mayor Hadfield asked if there was further discussion on the original motion. There was none.

Voting by voice roll call was as follows:

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|--------------------------|------------|--------------------------|
| Councilman Bowen | Nay | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion failed |

CONSIDERATION AND ACTION ON A RESOLUTION APPROVING A FEE SCHEDULE REAFFIRMING CURRENT AMERICAN CITY FEES AND ADDRESSING PREVIOUSLY UNIDENTIFIED ITEMS IN THE FEE SCHEDULE – *Cathy Jensen*

Mayor Hadfield explained that if was necessary from time to time to review fees for inspections, licenses, etc. and update them. Staff has put together a list of the fee schedule for 2015-2016. He asked if there were any questions on the fee schedule.

Councilman Frost had a question regarding the Home Occupation renewal fee which was \$57.00. To the side it says it was ‘New.’ He asked for an explanation of ‘New.’

Cathy Jensen explained that ‘New’ meant that the fee had not previously been charged.

Councilman Frost asked what the \$57.00 covered.

Cathy Jensen added that it also covered the business license renewal.

Councilman Frost had some other questions and asked that this be put on a work session for further discussion. He felt the new fees were going to catch people off-guard.

Councilman Frost moved to defer the Fee Schedule and associated changes to a work session in the coming month. Councilman Taylor seconded the motion.

Mayor Hadfield noted that there would not be a work session on July 23. This would be scheduled for the August 6 work session.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|--------------------------|
| Councilman Bowen | Nay | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion failed |

Councilman Bowen moved to pass the fee schedule with changes in the base culinary water rate for 2015 and 2016 be moved to the 2014 rate which was \$19.41 and also that they strike the ‘New’ fees.

Mayor Hadfield explained that there was a work session on this some time ago. Information was presented by a consultant on what needed to be charged in order to meet bond payments.

Councilman Bowen also recognized that those funds had robust balances that could continue to make bond payments.

Mayor Hadfield called for second on the motion. There being none, he declared the motion dead for the lack of a second.

Councilman Frost suggested having another discourse in a work session. There were a lot of good questions here. He was a little unprepared on the complexity of this.

Councilman Bowen moved to table for future discussion and encouraged that they look at maintaining 2014 rates. Councilman Frost seconded the motion

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION ON A RESOLUTION OF INTENT TO ANNEX THE RICHARDS ANNEXATION CONSISTING OF 11.74 ACRES AT 980 NORTH 900 WEST – *Dan Richards*

Mayor Hadfield recognized Mr. Richards in the audience.

Councilman Taylor moved to adopt Resolution No. 2015-07-20R indicating the City’s intent to annex the Richards Annexation consisting of 11.74 acres at 980 North 900 West. Councilman Bowen seconded the motion.

Mayor Hadfield asked if Mr. Richards had anything to add.

Mr. Richards commented that some of the City right-of-way was included.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION ON THE GRANTING OF A CLASS C BEER LICENSE FOR CULINARY DESIGNS, LLC DBA PIG CITY GRILL, FORMERLY RIB CITY GRILL, AT 648 EAST STATE ROAD – *Sarah Bowen*

New owner Sarah Bowen was present. When asked why the name change she reported that it was decided to drop the franchise. Rib City had the same license.

Councilman Frost commented that he ate dinner there last night.

Councilman Frost moved approval of a Class C beer license for Culinary Designs, LLC dba Pig City Grill located at 648 E State Road. Councilman Taylor seconded the motion.

Councilman Bowen stated that even though they shared the same last name there was no relation.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION ON THE AWARD OF CHANGE ORDER NO. 1 FOR THE 500 EAST 980 NORTH ART DYE PARK ACCESS PROJECT PHASE II IN THE AMOUNT OF \$1,080,322 – Dale Goodman

Mayor Hadfield asked if there were questions on this item.

Councilman Bowen asked if the scope was the same.

Mr. Spencer answered that the trail has been deferred until a future time and some other changes.

Councilman Bowen asked if the neighbors were impacted by the trail and were there houses along where the trail would have been.

Mr. Spencer stated that there was no trail.

Councilman Bowen knew that they had discussions with the individual landowners and wondered if putting this trail in was part of those discussions at all.

Councilman Taylor reported that the trail was absolutely part of the discussion with the neighbors. The bulk of the trail that was being eliminated was going to be on the property that bordered Fox Hollow Golf Course on 980 North. There would be sidewalk on one side of 980 North but it would not be the meandering trail originally planned. The only people that would be impacted trail or sidewalk wise would be the Griffith family who was right next to the American Fork Creek.

Councilman Frost moved to accept the change order submitted by S & L, Inc. for the construction of Phase II of the 500 East 980 North Art Dye Park Access Project in the amount of \$982,111 with a ten percent (10%) contingency allowance of \$98,211 for a total of \$1,080,322 and authorize the Mayor to modify the contract to include this change order. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were questions on the motion. There were none.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF AMERICAN FORK AUTHORIZING AND RATIFYING PAYMENT OF ALL OR PART OF EMPLOYEE REQUIRED CONTRIBUTIONS WITHIN THE CONTRIBUTORY RETIREMENT PLAN WITH THE UTAH RETIREMENT SYSTEM (URS) – Cathy Jensen

Mayor Hadfield stated this was required. The City was a member of the Utah Retirement System for the employees.

Cathy Jensen explained that this was a requirement of the State and the IRS ratifying that the City would be paying the contributions.

Councilman Taylor moved to adopt Resolution No. 2015-07-21R specifically authorizing payment of all of the employer’s required contributions within the contributory retirement plan maintained with the Utah Retirement System for American Fork City employees. Councilman Frost seconded the motion.

Mayor Hadfield asked if there were any questions on the motion.

Councilman Bowen stated that when he read this from the packet it seemed like it was saying that the City would contribute what would normally be contributed by employees.

Ms. Jensen answered that it was in behalf of the employees.

Mr. Whitehead added that it was a Non-Contributory System. The employee did not contribute anything. The City contributed what the State required.

Councilman Bowen wanted time to study this more before they voted on it. He knew that the amount of the contribution did increase.

Councilman Bowen moved to table this item to the next City Council meeting.

Ms. Jensen stated that this was just paperwork. The City could not opt out of the Utah Retirement System.

Councilman Bowen recognized and appreciated that but it was just that what he read in the packet before coming to this meeting and what he was hearing in the public, there was a little bit of a disconnect there. He wanted to make sure because he thought this was an important issue. The City paid a lot into retirement fund. It was a great benefit to the employees. He was not by any means saying that they should not continue to pay into the System.

Mr. Whitehead asked Councilman Bowen if his questions could be answered now. He was not sure what his disconnect was. The State Auditor has come out and said that Cities must reaffirm that they would pay. Nothing was going to change.

Councilman Bowen responded that he would be better prepared at a future time. He would have time to go back through the packet and identify the specific language and then bring that up.

Councilman Taylor took a shot at it as it was only one page. He wondered that in the final paragraph the first, “employee’s” should be “employer’s.”

“NOW THEREFORE, be it resolved that the City Council of American Fork City hereby specifically authorizes payment of all of the employee’s required contributions within the contributory retirement plan maintained with the Utah Retirement Systems for American Fork City employees.”

Councilman Bowen moved to amend the motion to change, “employee’s” to “employer’s” as discussed.

Councilman Frost asked legal counsel if that was okay. Mr. Wright answered that it was.

Councilman Frost seconded the amended motion.

Voting by voice roll call was as follows:

| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION REGARDING A STATEWIDE UTILITY AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) – *George Schade*

George Schade explained that this was regarding the fiber line that was on a Non-Interstate Highway within the City but along a UDOT right-of-way where they made need to obtain a permit. He noted that costs associated with **Inspections** (4) were the responsibility of the City.

Mr. Schade continued that with regard to (13) **Future Highway Construction**, legal counsel has suggested another sentence be added in the case that damage did occur even with exercising due care.

“In the event that damage does occur, UDOT will bear the cost for repair for damage by UDOT construction or their contractors.”

Councilman Taylor moved approval of the Statewide Utility Agreement with UDOT with the following in item 13:

“In the event that damage does occur, UDOT will bear the cost for repair for damage by UDOT construction or their contractors.”

Councilman Bowen seconded the motion.

Mayor Hadfield asked if there was any further discussion.

Councilman Bowen confirmed that it was his understanding of this agreement at a high level was that they were basically putting an agreement in place between the City of American Fork and Utah Department of Transportation to make it easier for both parties to get permits.

Mayor Hadfield responded that was correct.

Voting by voice roll call was as follows:

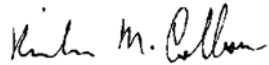
| | | |
|--------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Taylor | Aye | The motion carried |

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND A CONTRACT – *Mayor Hadfield*

Mayor Hadfield stated there was no reason for the Executive Session and removed it from the agenda.

ADJOURNMENT

Councilman Taylor moved adjournment at 8:47 p.m. Councilman Frost seconded the motion. All were in favor.



Richard M. Colborn
City Recorder